

Chapter C. CHARTER

**[HISTORY: Original Charter and Code adopted by Local Law No. 1 of 1968 (Local Law No. 2 for purposes of filing with State) and became effective January 1, 1970. At least every ten years, the Charter is reviewed. Adopted by the Board of Representatives (now County Legislature) of Tompkins County 4-1-2003 by L.L. No. 1-2003. Editor's Note: This local law superseded the former Charter adopted by the Board of Representatives of Tompkins County 8-14-1990 by L.L. No. 7-1990, as amended. Amendments noted where applicable.]**

**Article 1. Government of Tompkins County**

**§ C-1.00. Title and purposes.**

This Charter, and all subsequent amendments hereto, shall constitute the form of government for the County of Tompkins and shall be known and cited as the "Tompkins County Charter." The genesis of the County Charter is in the State Constitution. Article 2, § 1(h), provides that counties are empowered to adopt "alternative forms of county government." The Municipal Home Rule Law implements that provision of the constitution. Section 33 of the Municipal Home Rule Law provides that a county can adopt a charter that shall "set forth the structure of the County Government and the manner in which it is to function."

Among the purposes of this Charter are to secure to the people of the County of Tompkins maximum self-government through the exercise of home rule powers granted under the Constitution and laws of the State of New York, to achieve through the exercise of such home rule powers the establishment and operation of an efficient and responsible County government, and to separate County legislative and executive functions.

**§ C-1.01. Continued status and powers.**

The County of Tompkins shall continue to be a municipal corporation and shall have all the powers and perform all the duties now or hereafter conferred or imposed upon it by this Charter or applicable law, together with all rights, privileges, functions, and powers necessarily implied or incidental thereto.

**§ C-1.02. Effect of Charter and the Code on state law.**

The Charter provides a form and structure of County government in accordance with the provisions of the Municipal Home Rule Law of the State of New York, and all special laws relating to Tompkins County and all general laws of the State of New York shall continue in full force and effect to the extent that such laws have not been repealed, amended, modified, or superseded in their application to Tompkins County by enactment and adoption of the Charter. Within the limitations prescribed in said Municipal Home Rule Law, wherever and whenever any state law, general, special, or local in effect, conflicts with the Charter and the Code or is inconsistent therewith, such conflict or inconsistency is to be superseded by the Charter and the Code insofar as the County of Tompkins and its government are affected.

This Charter may not supersede an act by the New York State Legislature which:

- (a) Relates to the imposition, judicial review, or distribution of taxes or benefit assessments;
- (b) Relates to the education system or to a school district;
- (c) Requires that functions of government be performed by or financed by units of local government, except where such functions **by the State** are transferred to other units of local government;

- (d) Relates to a function of the state which is financed by the State;
- (e) Relates to the commencement or prosecution of actions or proceedings against the County;
- (f) Relates to a public authority;
- (g) Is a provision of law contained in the Municipal Home Rule Law, Civil Service Law, **Eminent Domain Procedure** ~~Condemnation~~-Law, **Environmental** Conservation Law, Election Law, Executive Law, Judiciary Law, Labor Law, Local Finance Law, Multiple Dwelling Law, Multiple Residence Law, Public Authorities Law, Public Housing Law, Public Service Law, Railroad Law, Retirement and Social Security Law, State Finance Law, Volunteer **Firefighter's** ~~Fireman's~~ Benefit Law, **Volunteer Ambulance Worker's Benefit Law**, or Workers' Compensation Law.

**§ C-1.03. Effect on local laws and resolutions.**

All laws, legalizing acts, and resolutions of the County presently in force shall remain operative except where inconsistent with this Charter.

**§ C-1.04. Definitions.**

Whenever used in this Charter, local laws, legalizing acts, or resolutions, unless otherwise expressly stated or required by subject matter or context:

- (a) "Act" or "act" shall mean a local law, resolution, or legalizing act heretofore or hereafter adopted by the Tompkins County Legislature;
- (b) "Acting" shall mean a person designated to carry out duties of the office during the period when there is no incumbent or when incumbent is not able to carry out the duties;
- (c) "Board," except as otherwise provided herein, shall mean a body of persons appointed in the manner herein provided for the purpose of studying and advising on matters of continuing County interest;
- (d) "Capital project" shall mean any of the following when first acquired or constructed:
  - (1) Any physical public betterment, improvement, or replacement or any appraisal, report, study, plan, and specification relative thereto; or
  - (2) Land or rights in land; or
  - (3) Any machinery, apparatus, or equipment for any physical public betterment or improvement; or
  - (4) Furnishings in connection with any physical public betterment or improvement; or
  - (5) Any combination of the above;
- (e) "Charter" shall mean this Charter adopted by and for the County of Tompkins and all amendments thereto;
- (f) "Code" shall mean the County local laws as codified;**

(g) "Commission" shall mean a body of persons appointed in the manner herein provided for the purpose of investigating, studying, or reporting on matters of County interest, except as otherwise provided in this Charter;

(h) "Committee" shall mean a body of persons appointed in the manner herein provided for the purpose of investigating, studying, or reporting on matters of County interest, except as otherwise provided in this Charter;

(i) "County" shall mean the County of Tompkins;

(j) "County Administrator" shall mean the County Administrator of Tompkins County, as fully provided in Article 3 of this Charter;

(k) "Department" shall mean each of those administrative units of the County government set forth in Articles 4 through 29 of this Charter;

(l) "Deputy" shall mean a County officer authorized by his or her principal to exercise delegated discretionary powers and duties;

(m) "Division" shall mean a unit within a department or office of an appointed or elected officer;

(n) "Emergency medical services (EMS)" shall mean those emergency medical services provided outside of a hospital or medical clinic, including initial on-scene medical treatment and transport;

(o) "Encumbrance" shall mean a written statement of incurred liability signed by the head of an administrative unit of County government, or the administrative unit's authorized agent, setting forth the nature and amount of liability, or an estimate thereof if the exact amount is unknown, and the appropriation against which it is chargeable in the manner provided by § 362 of the County Law;

~~(p) "Judiciary" shall mean judges;~~

(p) "Legalizing act" shall mean a legislative act, not subject to referendum, which legalizes and validates any act taken in connection with a lawful municipal object or purpose by the governing board or other local body, officer or agency of a municipality wholly within the County, in the manner and under the conditions prescribed in the County Law, as amended, or other applicable law;

(q) "Local law" shall mean a law adopted pursuant to this Charter within the power granted by the Constitution of the State of New York, an act of the State Legislature or a provision of this Charter, but shall not include legalizing acts or resolutions;

(r) "Officer" shall mean a person in the County government who has authority to exercise some portion of the sovereign power either in making, executing, or administering the laws;

(s) "Qualified elector" shall mean a person qualified to cast a ballot in a County election;

(t) "Quorum" shall mean a majority of the total number of a duly constituted body as if there were no vacancies and no persons disqualified from voting;

(u) "Referendum" shall mean a referral to the voters for decision. A mandatory or permissive referendum is defined in New York State County Law and New York State Municipal Home Rule Law;

(v) "Reserve for bonded debt" shall mean a fund authorized or required by law to be established and maintained for the purpose of amortizing the bonded indebtedness of the County;

(w) "Resolution" shall mean a legislative act other than a local law or legalizing act adopted pursuant to this Charter, but not subject to referendum.

### **§ C-1.05. County Seal.**

The Tompkins County Seal shall consist of an American bald eagle, whose body faces forward with head turned to the eagle's left, with wings widespread and claws outstretched. In the eagle's right claw is a bunch of arrows and in its left an olive branch. Rising above the eagle's head and between its wing tips are three arcs of stars numbering five, seven and eight respectively, for a total of 20 stars representing the number of states in 1817, the year of the founding of Tompkins County. Framing the above eagle, arrows, olive branch and stars is one narrowly spaced smaller concentric circle, and one widely spaced larger concentric circle. In the arc portion between the small circle and the larger circle are 13 stars representing the 13 original colonies. In the arc portion above the eagle, between these same circles are the words, in upper case lettering, TOMPKINS COUNTY. These words extend from right of the eagle's right wing tip to the left of the eagle's left wing tip.

## **Article 2. The Tompkins County Legislature**

### **§ C-2.00. The Tompkins County Legislature.**

The Tompkins County Legislature shall be the elective governing body of the County. The elected County Legislators shall, when lawfully convened, constitute the legislative, appropriating, governing, and policy-determining body of Tompkins County.

### **§ C-2.01. Mission statement of the Tompkins County Legislature.**

The mission of the Tompkins County Legislature is to collectively meet the needs of our residents and communities and to realize the Legislators' articulated vision. County government may perform those functions not provided as well by individuals, the private sector, other levels of government, or the not-for-profit sector. County activities will be designed to protect and enhance the lives of the County's diverse residents and communities in ways that are compassionate, ethical, and creative within the limits of what residents financially support.

To this end we will:

- \* Allocate fiscal resources consistent with our vision, goals, policies, and community needs.
- \* Foster open and honest communication among governments and County residents and employees. County government will initiate dialogue on the community needs, the appropriate role of County government, and level of satisfaction with the County's direction, initiatives, and services.
- \* Create and implement policies that:
  - Enhance the economic opportunity and well-being of all County residents.
  - Safeguard the health, safety, and rights of our residents and employees.

- Protect the natural environment for future generations and maintain the built environment.
- Prevent the need for more costly future services.
- \* Encourage and support programs that:
  - Achieve the County's goals.
  - Deliver needed services.
  - Serve vulnerable populations.
  - Strengthen families and communities.
  - Enhance quality of life.
- \* Operate a well-run organization by:
  - Using a well-trained, diverse work force of employees, qualified contractors, and volunteers.
  - Providing adequate personnel, financial, facility, and informational support to approved programs.
  - Producing a balanced budget that supports the County's vision, mission, and goals and maintains appropriate reserves for future uncertainties.
  - Carrying out the mandates of state and federal governments.
  - Acting as a resource and partner for other local governments.
  - Responding flexibly and responsibly to emerging needs and changing mandates.

**§ C-2.02. County Legislators; term of office; qualifications.**

County Legislators shall be elected at general elections in odd-numbered years commencing with 1969, for a term of four years dating from January 1st of the year next following their election.

County Legislators, at the time of their nomination and election and throughout their term of office, shall be and remain electors of the County of Tompkins qualified to vote in general elections in the districts they represent.

The Board of Elections of the County of Tompkins shall be the judge of such qualifications of the members of the Legislature, and for that purpose shall have the power to subpoena witnesses, take testimony and require the production of records. Decisions made by the Board of Elections in the exercise of powers granted by this section shall be subject to review by the courts.

**§ C-2.03. Composition of the Tompkins County Legislature.**

The Tompkins County Legislature shall be composed of not less than 11 and not more than 19 members elected from single-member districts.

**§ C-2.04. Vacancies on the Tompkins County Legislature.**

When a vacancy occurs on the Tompkins County Legislature it shall be filled at a special election according to the following schedule:

- \* If a vacancy on the Tompkins County Legislature shall occur on or before August 15 of any year, such office shall be filled for the remainder of the unexpired term at a special election in the district of said office.
- \* In the event that such vacancy shall occur after August 15 but before September 20 of any year, such vacancy shall be filled at the next general election.
- \* If a vacancy occurs September 20 or later in a year that is not the last year of the expiration of the Legislator's term of office, such office shall be filled for the remainder of the unexpired term at a special election in the district of said office.
- \* In the event that a vacancy occurs September 20 or later in a year that is the last year of the Legislator's elected term, the winner of the general election for said office shall fill the vacancy for the remainder of the unexpired term.

Special elections are to be called by the County Legislature as soon as practicable and, in any event, to be held not later than **85 75** days from the date of such vacancy. Notice of a special election called hereunder shall be in the manner provided for in the Election Law for notice of a general election. To the maximum extent feasible, the provisions of the Election Law governing the conduct of a special election shall apply. It shall be the duty of the Board of Elections to prepare ballots, voting machines, and other matters so that such election may be properly held and conducted. Notwithstanding any law to the contrary, the expenses of a special election conducted pursuant to this section shall be borne by the County.

**§ C-2.05. Tompkins County Legislature; organization; Chair and Vice Chair of the Tompkins County Legislature; election.**

The Tompkins County Legislature, at an organizational meeting on or before January 8 each year, shall elect from its membership a Chair and Vice Chair. The Chair and Vice Chair shall serve for a term of one year or until a successor is elected.

In the event of a vacancy, the Tompkins County Legislature shall fill the office of Chair in the manner provided by its rules. If the Tompkins County Legislature fails to select a Chair within 30 days after that office shall become vacant for any reason, the Clerk of the Tompkins County Legislature shall notify in writing the County Clerk, who shall, as soon as practicable, appoint a member of the Tompkins County Legislature to serve as Chair until the Legislature itself shall elect a Chair. Such appointment shall be in writing and filed with the Clerk of the Legislature and in the office of the County Clerk. The Clerk of the Legislature, upon receipt of such appointment, shall notify each member of the Tompkins County Legislature of the County Clerk's action by written notice of appointment duly mailed to the address of each member of the Legislature, as given to the Clerk of the Legislature.

**§ C-2.06. Tompkins County Legislature; powers and duties.**

The Tompkins County Legislature shall be the legislative, appropriating, governing, and policy-determining body of the County and shall supervise the implementation of its policies through the County Administrator. The Legislature shall operate according to procedures contained in the Rules of the Tompkins County Legislature, which it shall develop and may from time to time amend. Except as may otherwise be provided in this Charter, it shall have and exercise all the legislative powers and duties now or hereafter conferred or imposed by state law or this Charter upon a Board of Supervisors or a legislative body of a County, and all powers and duties necessarily implied or incidental thereto. Among such powers and duties, but not by way of limitation, it shall:

- (a) Make appropriations; levy taxes, incur indebtedness and adopt the County budget;
- (b) Adopt and periodically revise a fiscal policy;
- (c) Enact, amend, or repeal local laws, ~~charter laws~~, legalizing acts or resolutions; and provide for the administrative implementation thereof;
- (d) Adopt by resolution any necessary rules and regulations for its own conduct and procedure;
- (e) Annually designate by resolution the succession of members of the Legislature to serve in the absence of the Chair and Vice Chair;
- (f) Legalize and validate by legalizing act any act had or taken in connection with a lawful municipal purpose by a governing board or other body, officer or agency of a local municipality wholly within the County in the manner provided in the County Law, which generally deals with minor good-faith errors or emergency situations;
- (g) By local law amending this Charter, create, alter, combine, or abolish units of County government not headed by elective officers;
- (h) Establish or abolish positions of employment and the titles and labor grades thereof. No County employee may be appointed unless to fill a position of employment authorized by the Tompkins County Legislature;
- (i) Evaluate periodically the performance of the County Administrator, Director of Finance, County Attorney, Clerk of the Legislature, and any such other community servant that serves at the pleasure of the Legislature;
- (j) Appoint or confirm, as the case may be, such officers and employees as provided by this Charter;
- (k) Fix by resolution the compensation and hours of work of all officers and employees paid from County funds, except that the compensation of any official whose salary is governed by state law for the term of office shall not be increased or decreased during the term of office except as permitted by state law;
- (l) Authorize contracts for goods and services on behalf of the County;
- (m) Fix by resolution the compensation to be paid from County funds to individuals rendering service to or on behalf of the County, but who are not officers or employees of the County;

- (n) Establish by resolution the method for the correction of manifest clerical or other errors or omissions in assessment rolls or returns thereof as authorized by law;
- (o) Fix the amounts of bonds of officers and employees paid from County funds;
- (p) Conduct studies and investigations in furtherance of its legislative functions, and in connection therewith obtain professional and technical advice; appoint lay committees, commissions, and boards and approve the bylaws thereof; subpoena witnesses; ~~administer oaths;~~ and require the production of books, papers, and other evidence necessary or material to such studies or investigations; **and administer oaths;**
- (q) Determine and fix, on or before the first day of December in each year, equalization rates, after receiving recommendations supplied by the Director of Assessment;
- (r) Designate one or more depositories located within the County or as designated by the Tompkins County Legislature for the deposit of moneys received by the County, which shall meet the requirements for such depositories provided in the County Law and in the County's Investment Policy;
- (s) Grant by resolution to all officers and employees of the County **pursuant to contract designation or otherwise** vacation, sick leaves, compensatory time, leaves of absence, and other benefits as deemed appropriate, and adopt rules and regulations in relation thereto.

#### **§ C-2.07. Confirmation of appointments.**

When appointment of County employees or members of boards requires confirmation by the Tompkins County Legislature, confirmation shall be by affirmative vote of a majority of the whole number of members of the Tompkins County Legislature, taken at a regular or special meeting.

#### **§ C-2.08. Chair of the Tompkins County Legislature; powers and duties.**

The Chair of the Tompkins County Legislature, in addition to the powers and duties conferred or imposed upon a chairman of a county legislative body by applicable law, shall:

- (a) Appoint to serve during the term of office of the Chair of the Legislature, the chairs and members of all committees of the Tompkins County Legislature;
- (b) Authorize any member of the Tompkins County Legislature to attend any convention, conference, school, or other function for the betterment of County government, within the appropriations therefor. All necessary and actual expense in connection therewith shall be paid from County funds;
- (c) Appoint as needed a Special Negotiating Committee, of not less than three members, to conduct collective negotiations with recognized employee organizations. Such appointments shall be subject to approval of the Tompkins County Legislature, except that the membership of such Committee shall include a member of the Tompkins County Legislature, the County **Personnel** Commissioner **of Human Resources**, and the County Administrator, or a designee of the County Administrator.

#### **§ C-2.09. Vice Chair of the Tompkins County Legislature; powers and duties.**

**In the absence of the Chair,** the duties of the Vice Chair shall include all duties and functions of the Chair, excluding the appointment of the members of the standing committees. The Vice Chair shall serve either at the direction of the Chair or the direction of the Tompkins County Legislature, which direction shall always supersede the Chair. The Vice Chair shall receive no additional remuneration unless he shall

act as Chair in excess of 30 consecutive days after assuming the duties of Chair. Thereafter, the Vice Chair shall receive the salary of the Chair of the Legislature, it being understood that the Chair's salary will be reduced to that of a County Legislator until the Chair resumes the duties of Chair.

#### **§ C-2.10. Reapportionment of the Tompkins County Legislature.**

~~(a) Upon publication of the results of the federal decennial census for Tompkins County, the Tompkins County Legislature shall prepare a plan for reapportionment, which shall contain recommendations as to the number and geographic boundaries of the various districts from which members of the Tompkins County Legislature shall be nominated and elected at the primary and general election to be held in the year 2001. The Tompkins County Legislature shall approve a plan for reapportionment of such Legislature at least 30 days prior to the first date for circulation of designating petitions for nomination at the 2001 primary election of members of the Tompkins County Legislature. Such a plan shall be termed the basis for nomination and election of the Tompkins County Legislature until the publication of the next decennial census, at which time the Tompkins County Legislature shall prepare a reapportionment plan.~~

~~(b) The Tompkins County Legislature in planning said reapportionment shall appoint a committee on reapportionment to assist it in arriving at a plan of reapportionment. The Legislature shall give to said committee the guidelines under which the committee is to operate.~~

(a) Upon publication of the result of the federal decennial census for Tompkins County, the Tompkins County Legislature shall:

1. Appoint an Independent Redistricting Commission, which shall consist of nine (9) members.

2. Adopt a detailed charge to the Commission that sets forth the principal constitutional, statutory, and policy considerations for the Commission's deliberations, along with a deadline for the submission of the Commission's report.

3. Make available to the Commission the important perspectives of the County Attorney and the Board of Elections.

4. Provide the Commission with adequate professional, administrative, and budgetary support to carry out its responsibilities.

5. Encourage the use of public hearings, web sites, and media releases to underscore the importance of transparency in Commission proceedings.

(b) The Commission:

1. The Chair of the Commission shall be appointed by the Tompkins County Legislature and Vice Chair elected by the Commission.

2. The County Administrator shall designate appropriate staff to assist the Commission in its work.

3. No currently serving elected municipal official, officer of any political party, or officer of any political committee, shall be appointed as members of the Commission.

4. The members of the Commission shall be County residents, registered voters, and shall be knowledgeable about Tompkins County, its municipalities, and about government and electoral processes.

5. Members of the Commission must be willing to work cooperatively and in a non-partisan manner to prepare a reapportionment plan that is fair and unbiased.

6. Members of the Commission will develop the reapportionment plan in the manner described in, and consistent with, the Charge given by the County Legislature.

(c) Upon receipt of such plan, the County Legislature may return it to the Commission for further consideration of particular issues or accept it as the final plan.

(d) Upon receipt of the final plan, the County Legislature shall adopt a plan of reapportionment that shall be the basis for nomination and election of the Tompkins County Legislature until the publication of the next decennial census.

#### **§ C-2.11. Standards of reapportionment.**

The Tompkins County Legislature shall, in approving a plan of reapportionment, be guided by the goal of equality of representation consistent with the policies of the State Legislature as interpreted by the courts of appropriate jurisdiction.

Factors to consider are:

Minimization of the population variance among districts;

Compactness of districts;

Practicable consistency with existing municipal boundaries and neighborhoods within Tompkins County; and

Balance and reasonableness of representation for the diversity of citizens residing in all parts of the County.

#### **§ C-2.12. Tompkins County Legislature; committees.**

The Chair of the Tompkins County Legislature shall, within 30 days after election **of chair**, appoint from among the membership of the Tompkins County Legislature, the chairs, **vice chairs**, and members of the standing committees of the Legislature. The committees shall be no fewer than five nor more than eight in number, dealing with the main areas of legislative policy, including but not limited to administration, finance, budget, personnel, planning, economic development, public works, environmental quality, human services, health services, public safety and correction, **and** education, **consumer protection, climate adaptation, and facilities**. Such committees shall meet regularly to consider policy and make legislative recommendations to the Tompkins County Legislature within their respective categories of County government functions. Special committees may be appointed as deemed necessary. All committees may from time to time, subject to approval by the Tompkins County Legislature, direct the County Administrator or other County staff to assemble information to aid them in developing policy.

**§ C-2.13. Tompkins County Legislature; advisory boards.**

The Tompkins County Legislature shall endeavor, **insofar as possible**, to ensure that its appointments to advisory boards **include persons with relevant skills and also to** reflect **insofar as possible** the culturally diverse population of Tompkins County.

**§ C-2.14. Clerk of the Tompkins County Legislature; appointment; term; powers and duties.**

The Tompkins County Legislature shall appoint a Clerk of the Legislature who shall be directly responsible to, and serve at the pleasure of, said Legislature. The Clerk shall be responsible for the day-to-day administration of the office of the County Legislature, and perform such other and related duties as may be conferred or imposed by the Tompkins County Legislature. The Clerk shall appoint such Deputy Clerk(s), assistants, and employees of the office as shall be authorized by the Tompkins County Legislature. The appointment of Deputy Clerk(s) shall be subject to confirmation by the Tompkins County Legislature.

**§ C-2.15. Local laws; procedure for adoption, amendment, and repeal.**

The Legislature may adopt, amend, and repeal local laws by not less than a majority vote of the total number of its members pursuant to the provisions of the Municipal Home Rule Law. Each local law shall embrace only one subject and may relate to property, affairs or government of the County, or any other subject of County concern. In the exercise of such power, and within the limitations provided by the Municipal Home Rule Law, the County may change, supersede, or amend any act of the State Legislature.

**§ C-2.16. Resolutions; procedure for adoption, amendment, and repeal.**

The Tompkins County Legislature may adopt, amend, and repeal resolutions by not less than a majority vote of the total number of its members, in the manner provided by the Rules of the Tompkins County Legislature. Each resolution shall embrace only one subject and may relate to property or any other subject of County concern not required by this Charter or other applicable laws to be provided by local law. Resolutions shall not be subject to referenda.

**§ C-2.17. Legalizing acts; procedure for adoption, amendment, and repeal.**

The Tompkins County Legislature may adopt, amend, and repeal legalizing acts by not less than a majority vote of the total number of its members, in the manner provided for in the County Law. Each legalizing act shall embrace only one subject.

**§ C-2.18. Petty cash funds; establishment.**

The Tompkins County Legislature may by resolution establish a petty cash fund, in such amount as it may determine, for any officer, division, or department of County government. Expenditure from a petty cash fund may be made only for payment of bills or claims in advance of audit by County procedures as established by the Tompkins County Legislature. Such expenditures from petty cash funds shall be subject to limitations as defined in applicable law. The County Finance Director shall reimburse to such petty cash fund, from the appropriate budgetary item or items, the amount so audited and approved. The County Finance Director at any time may require the official responsible for the use of the petty cash fund to account for the moneys in such fund.

**§ C-2.19. Seal of the Tompkins County Legislature.**

The Seal of the County of Tompkins shall be the Seal of the Tompkins County Legislature. Such Seal shall be used for all authorized and required purposes.

**§ C-2.20. Failure of County-appointed officials to attend meetings.**

When any member of a board, commission, committee, agency, or authority, holding office by appointment of the County Legislature or the Chair of the County Legislature, fails to attend three consecutive regular meetings of such board, commission, committee, agency, or authority, unless such absence is for good cause and is excused by the chairman or other presiding officer thereof, or, in the case of such chairman or other presiding officer, by the Chair of the Legislature, the office may be deemed vacant by action of the appointing authority for the purposes of the nomination and appointment of a successor.

**Article 3. Department of County Administration**

**§ C-3.00. Department of County Administration; Deputy Administrators and Directors; appointment; duties.**

There shall be a Department of County Administration under the direction of the County Administrator. Within such Department there may be such Deputy Administrators and Directors as authorized by the Tompkins County Legislature, who shall be appointed by the County Administrator. Said Deputy Administrators and Directors shall be directly responsible to, and serve at the pleasure of, the County Administrator, except as provided by contract or Civil Service Law. Said Deputy Administrators and Directors may be responsible for one or more divisions or major functions within the Department of County Administration. The Deputy County Administrators shall possess the powers to act for and on behalf of the County Administrator.

The County Administrator shall have the power to appoint such assistants and employees of the Department as may be necessary to perform the duties of the office of County Administrator and as shall be authorized by the Tompkins County Legislature. Such assistants and employees shall be directly responsible to the County Administrator.

The Department of County Administration shall be responsible for furnishing the basic elements of centralized staff support for all County departments. The major functional categories of this Department are hereinafter referred to as divisions.

**§ C-3.01. Chief Executive Officer.**

The County Administrator shall be the County's chief executive officer and administrative head, and except as may otherwise be provided in this Charter, shall have all the executive powers and perform all the duties now or hereafter conferred or imposed by law upon a county chief executive officer or head of the administrative branch of county government, together with all the powers and duties necessarily implied or incidental thereto.

**§ C-3.02. County Administrator; appointment; qualifications; term.**

The County Administrator shall be appointed by, be directly responsible to, and serve at the pleasure of the Tompkins County Legislature. The County Administrator shall have education or training and experience in administration acceptable to the Tompkins County Legislature.

**§ C-3.03. County Administrator; powers and duties.**

Pursuant to the responsibility for the administration of all County affairs, the County Administrator shall, in addition to any other powers and duties provided by this Charter:

- (a) Supervise the implementation of policies as determined by the Tompkins County Legislature;
- (b) Appoint, subject to consultation with and confirmation by the Tompkins County Legislature and Civil Service Law, the heads of all County departments and administrative units not administered by an elected official, except as otherwise provided by the Charter; remove, after consultation with the Tompkins County Legislature and subject to Civil Service Law, the heads of all County departments and administrative units not administered by an elected official, except as otherwise provided by this Charter;
- (c) Exercise supervision and control of all departments, offices, and agencies headed by appointed officials, and unify the management of their affairs, subject to applicable provisions of this Charter;
- (d) Oversee the activities of all other County departments, offices, and agencies as authorized by the Tompkins County Legislature;
- (e) Submit to the Tompkins County Legislature **at least annually** the order of succession of deputies within County offices;
- (f) Be responsible for the preparation and submission to the Tompkins County Legislature of the annual budget and capital program and execute the same as the Tompkins County Legislature may direct by resolution and appropriation. For this purpose, the County Administrator shall have the power to obtain estimates of revenue and expenditures from all department heads;
- (g) Provide for the administration of supporting services and facilities required in common by various units of County government;
- (h) Provide for the transfer of all materials, supplies, and equipment for the County except as otherwise provided in this Charter;
- (i) Supervise the implementation of contracts for services on behalf of the County, following their authorization by the Tompkins County Legislature and execution by the Chair of the Tompkins County Legislature or other parties designated by the Tompkins County Legislature;
- (j) Authorize any officer or employee of any unit of County government, except members of the Tompkins County Legislature, to attend any convention, conference, school, or other function for the betterment of County government, within the appropriations therefor. All necessary and actual expenses in connection therewith shall be paid from County funds;
- (k) Provide adequate insurance and surety bond coverage and/or administer adequate insurance reserves to protect the County from all reasonable risks of loss or damage;
- (l) Maintain with the approval of the Tompkins County Legislature an Administrative **Policy** Manual defining operating policies and procedures for the administration of Tompkins County;
- (m) Serve as the Freedom of Information Officer for the County;
- (n) Have all the powers necessary and incidental to the performance and exercise of any of the duties and functions lawfully delegated to the Office of County Administrator;

(o) Execute and enforce all resolutions and orders of the Tompkins County Legislature and all other laws for the Tompkins County Legislature or other County officers subject to its control, and perform all other duties and functions herein prescribed or lawfully delegated to the office by the Tompkins County Legislature;

**(p) Supervise the implementation of contracts and memoranda of understanding with other governmental entities, including other counties and municipalities.**

#### **§ C-3.04. Administrative heads.**

The County Administrator may appoint one person to head one or more administrative units, within the Department of County Administration, subject to any and all requirements as to qualifications, or the County Administrator may so serve. If the head of any administrative unit within the Department of County Administration is absent from the County or unable to exercise the powers and duties of the office, the County Administrator shall exercise such powers and duties during the period of such absence or disability or may designate a person to exercise such powers and duties.

#### **§ C-3.05. Custody of documents.**

The County Administrator shall have custody of all insurance policies, surety bonds, deeds to County property, and such other instruments as the Tompkins County Legislature may direct. Except as otherwise provided by law, the County Administrator shall file, **record**, and maintain as public records all original instruments pertaining to real estate and duplicates of all other documents executed, issued or received for the County by any officer or unit thereof, provided, however, that upon the sale of any real estate of the County, the documents relating thereto may be transferred to the purchaser.

### **Article 4. Department of Assessment**

#### **§ C-4.00. Department of Assessment; Director of Assessment; appointment; qualifications; powers and duties.**

There shall be a Department of Assessment headed by a Director of Assessment, who shall meet the standards as prescribed by the New York State **Office of Real Property Department of Taxation and Finance** and the local Civil Service Office and approved by the Tompkins County Legislature, and whom the County Administrator shall appoint, subject to confirmation by the Tompkins County Legislature.

The Director of Assessment shall have the power to appoint such deputies, assistants including at least one assistant deputy and employees of the Department of Assessment as may be necessary to perform the duties of the office of Director of Assessment, and as shall be authorized by the Tompkins County Legislature. All deputies, assistants, and employees of the Department of Assessment shall be directly responsible to the Director of Assessment.

The Director of Assessment shall be the sole assessor for the single assessing unit of Tompkins County and shall:

(a) Assess, in the manner provided by applicable local and state law, and subject to review as herein provided, all property situated in the County and liable to taxation for state, County, town, village, school, and/or special district purposes, and in connection therewith have all of the powers and perform all the duties of city, village, and town assessors within the County, and the assessment function of said city, villages, and towns is herewith transferred to the County government;

- (b) Perform all the duties of County government relating to the extension of taxes and the issuance of tax warrants and tax bills;
- (c) Maintain tax records of title to real property within the County;
- (d) Present to the Tompkins County Legislature for approval, prior to November 1 of each year, the State-proposed County tax equalization rates consistent with standards prescribed by the State Legislature, and any other information that the Tompkins County Legislature shall request in connection therewith;
- (e) Establish suitable procedures and facilities for the coordination of all mapping and tax roll activities within the County;
- (f) Except as may otherwise be provided in this Charter, perform such other and related duties as may be required by the Tompkins County Legislature;
- (g) In the absence of the Director of Assessment, the Assistant Director of Assessment shall act as the sole Assessor for the single assessing unit of Tompkins County and carry out all the above duties;

**(h) Upon request of the Director of Assessment and upon approval by the County Legislature the Department of Assessment may contract to provide assessment services for other municipalities outside of Tompkins County.**

**§ C-4.01. County Board of Assessment Review; composition; terms of office; qualifications; duties; procedure for review of assessments. Local Advisory Boards of Assessment Review; composition; duties.**

(a) County Board of Assessment Review. There shall be a County Board of Assessment Review consisting of at least three but no more than five members appointed by the Tompkins County Legislature for five-year terms, provided, however, that not more than one term of office shall expire in any one year. The members of the County Board of Assessment Review are appointed on the basis of knowledge of real property values in the County. Neither the Director of Assessment nor any member of the staff of the Department of Assessment shall be appointed to the Board of Assessment Review. A majority of such Board shall consist of members who are not officers or employees of County, city, town, or village governments. The County Board of Assessment Review shall hear and determine complaints in relation to assessments and shall have all the powers and duties now or hereafter imposed by law on Boards of Review by § 512 of the Real Property Tax Law and by any other law. The County Board of Assessment Review shall be the final assessing authority for all property concerning which a written complaint has been filed. Such County Board shall meet to hear complaints in Ithaca, New York, at a time and place to be fixed by such Board as provided for in § 525 of the Real Property Tax Law. Notice of action shall be sent to each complainant concerning which an application for review has been filed.

(b) Local Advisory Boards of Assessment Review. There shall be a Local Advisory Board of Assessment Review for each city and town in the County, consisting of **at least** three members, **at least** two **of which** to be appointed annually by the respective local government legislative body and who shall be qualified electors and owners of real property in such city or town and, a third to be a member of the Tompkins County Legislature elected from a district within which all or part of such city or town is located. A member of the professional staff of the Department of Assessment shall be present at each meeting in a consulting capacity.

Each Local Advisory ~~Assessment Review~~ Board **of Assessment Review** shall consider each complaint and/or grievance concerning assessments from property owners within the city or town for which it is appointed, and shall conduct hearings in each such city or town at least annually, at which time it shall consider each complaint and/or grievance and the owners of property ~~instituting~~ **initiating** each complaint and/or grievance shall have an opportunity to be heard thereon. Upon completion of its hearing, each Local Advisory ~~Assessment Review~~ Board **of Assessment Review** shall forward each complaint and/or grievance and its recommendations concerning each complaint and/or grievance to the County Board of Assessment Review, which shall proceed to consider each complaint and/or grievance, and the recommendation of each Local Advisory ~~Assessment Review~~ Board **of Assessment Review** thereon as provided in Paragraph (a) of this section.

Nothing in this paragraph shall preclude the right to be heard only by the County Board of Assessment Review. Application for review to the Local Advisory Board of Assessment Review is optional, and presentation of a written complaint to the Local Advisory Board of Assessment Review is not a condition precedent for consideration of or hearing on a complaint by the County Board of Assessment Review.

**§ C-4.02. Rules and regulations for Assessment Department.**

**§ C-4.02.1. Taxable status dates.**

All real property shall be assessed in the city, town, village, and school district in which it is situated according to its condition and ownership as of the following dates:

City of Ithaca      First day of March

Towns  
including  
Villages            First day of March

School Districts    The taxable status date of the City or Town, as the case may be, shall be controlling for school district purposes, except as otherwise provided in § 1302 of the Real Property Tax Law

**§ C-4.02.2. Form of assessment roll.**

Names and addresses of owners on assessment roll. The Director of Assessment and the Director's staff shall make a reasonable effort to ascertain the name of the owner, last known owner, or reputed owner of real property on the taxable status date applicable. If, in the preparation of the assessment roll, an error or omission is made in the description of a parcel of real property or in entering or failing to enter the name and address of the owner, last known owner, or reputed owner, such error or omission shall not prevent the levy, collection, and enforcement of the payment of the taxes thereon if the parcel can be identified and located with reasonable certainty.

Reference to the section, block, and lot number as shown on the appropriate certified tax map shall be deemed a sufficient description of such parcel. Any other description that may appear on the assessment roll, such as name, address, location, acres, or linear dimensions, shall be considered general information only. All assessments shall be against the real property itself which shall be liable to sale pursuant to law for any unpaid taxes or special ad valorem levies.

**§ C-4.02.3. Duty of officers to furnish information.**

(a) Building permits. All persons authorized to issue building permits in the County, city, town, or village therein, shall, not less frequently than once a month, deliver to the Director of Assessment a copy of such permits or a list thereof.

(b) County Clerk. There shall be designated in the office of County Clerk a person or persons who, in addition to other assigned duties, shall receive all conveyances of title for recording. Said person or persons shall have the primary responsibility for the determination that all additional forms required by law have been completed.

(c) Planning Boards. Planning Boards will indicate those maps that have had a final approval, whereupon the surveyor, engineer, or developer shall submit two paper prints of such subdivision to the Tax Map Section. One paper print shall be retained by the Tax Map Section pursuant to § 334 of the Real Property Tax Law. The second copy shall be returned to the developer with the original tax map number(s) of the tract(s) certified thereon.

(d) Highway officials. County, city, town, and village officials in charge of highway planning and appropriation of land therefor, shall notify the Tax Map Geographic Information Systems Unit of any appropriation of lands for public rights-of-way. An appropriation map shall be prepared showing the extent to which lots as shown on the tax map are affected. A copy of such map shall be filed with the Tax Map Geographic Information System Unit at the time of appropriation.

**(e) Town Supervisors, School Superintendents, Village Mayors, City Mayor. Any resolution that affects the levy or collection of taxes (including any exemptions from real property taxes that were passed by local option) shall be recorded with the Director of Assessment immediately, but no later than 30 days after passage.**

#### **§ C-4.02.4. Tentative completion of assessment rolls.**

The Director of Assessment shall **annually** complete the tentative assessment roll, and cause a copy thereof to be prepared **by the first day of May** ~~according to the following schedule.~~

~~City—First Day of May~~

~~Towns including Villages—First day of May~~

The Director shall forthwith cause a notice, **of** the contents of which are hereinafter set forth, to be published once in the official newspaper(s) of the County of Tompkins and/or if no newspaper has been designated the official newspaper, in a newspaper having general circulation in such city or town, ~~according to the following schedule~~ **on or before the eighth day of May.**

~~City—On or before eighth day of May~~

~~Towns including Villages—On or before eighth day of May~~

The city, town, or village clerk shall cause a copy of the published notice to be posted on the sign board maintained for the posting of legal notices at the entrance of the clerk's office for the city, town, or village.

Such notice shall state: that the tentative assessment roll has been completed; that a copy thereof has been left with the city, town, or village clerk at a specified place where it may be examined by any person until the day specified for the meeting of the County Board of Assessment Review; that a member of the professional staff of the Department of Assessment will be in attendance with such tentative assessment

roll at a specified place during a specified period of at least four hours between nine o'clock in the morning and ten o'clock in the evening on a specified day or days after the first **of May**; that the Local Board of Assessment Review will meet to consider complaints in relation to assessments of real property; the place, date, and hours of such meeting, including at least three hours, not necessarily continuous, between nine o'clock in the morning and ten o'clock in the evening. Publication of such notice must occur **at least one week** before the day the Local Board of Assessment Review is required to meet to hear complaints.

**§ C-4.02.5. Notice of assessment changes.**

**Preliminary assessment-change notices may be mailed no sooner than one hundred twenty (120) days prior to the filing of the tentative assessment roll pursuant to Section 510 of the NYS Real Property Tax Law. Additionally,** following the filing of the tentative assessment rolls between the first and fifth days **of May**, the Director of the Department of Assessment shall mail to each owner of real property a notice of any change in assessment thereof **that has changed in value since the preliminary assessment roll or who filed an informal assessment review form, and whose assessment did not change as a result of the review.** Failure to mail such notice or failure of the owner to receive the same shall not prevent the levy, collection, and enforcement of the payment of the taxes on such real property.

**§ C-4.02.6. Complaints with respect to assessments.**

Complaints with respect to assessments may be filed in accordance with § 524 Real Property Tax Law with ~~professional staff~~ **the Department of Assessment** at any time prior to the meeting of the County Assessment ~~Board of Assessment Review Review Board~~ or at the time of such meeting. The meetings of said ~~Board of Assessment Review Review Board~~ shall be held ~~according to the following schedule: on the 4<sup>th</sup> Tuesday of May.~~

~~City—Fourth Tuesday of May~~

~~Towns including Villages—Fourth Tuesday of May~~

Complainants shall file the prescribed form(s) as set forth by law specifying the respect in which the assessment complained of is illegal, erroneous, or unequal, which statement must be made by the person whose property is assessed, or by some person authorized by the owner to make such statement who has knowledge of the facts stated therein.

**§ C-4.02.7. Correction of Assessment rolls by County Board of Assessment Review.**

Pursuant to § C-4.01(a) and (b) and in accordance with § 525 Real Property Tax Law, the County Board of Assessment Review shall thereafter determine the final assessment of the real property of each complainant. Such assessment may be the same as or less than the original assessment, or, if determined to be illegal, the same shall be stricken from the roll. All changes in the tentative assessment roll made by the County Board of Assessment Review shall be entered on such roll on or prior to the ~~following dates:~~ **twenty-first day of June.**

~~City—Twenty first day of June~~

~~Towns including Villages—Twenty first day of June~~

**§ C-4.02.8. Final completion of assessment rolls and verifications thereof.**

The **annual** assessment rolls shall be finally completed and verified on or before the ~~following dates:~~ **first day of July.**

~~City—First day of July~~

~~Towns including Villages—First day of July~~

When the assessment rolls ~~have~~ **has** been completed, the Director of Assessment will appear before any officer of the County authorized by law to administer oaths and shall make and subscribe before such officer an oath in the following form:

"I \_\_\_\_\_, Director of Assessment, do depose and swear that, to the best of my knowledge and belief, the foregoing final assessment roll conforms in all respects to the tentative assessment roll with the exception of changes made by the Board of Assessment Review and assessments made by the ~~State Office of Real Property Services~~ New York State Department of Taxation and Finance."

Such written or printed oath shall be a part of the assessment roll, signed by the Director of Assessment, and certified by the officer before whom this oath is sworn.

#### **§ C-4.02.9. Filing of completed assessment rolls; notice thereof.**

On or before the dates provided for in § C-4.02.8, the Director of Assessment shall file and thereafter keep on file in the Department of Assessment a certified copy of the completed and ~~verified city and town including village~~ **County** assessment rolls. At the same time a certified copy of the completed and verified ~~city and town including village~~ **portion of the County** assessment rolls shall be filed in the ~~appropriate~~ offices of the city, town, and village clerks.

When the completed ~~city and town including village~~ **County** assessment rolls assessment roll shall have been filed as provided in § C-4.02.8, the Director of Assessment shall forthwith cause a notice, the contents of which are hereinafter set forth, to be published once in the official newspaper(s) of the County of Tompkins, ~~and~~ or if no newspaper has been designated the official newspaper, in a newspaper having general circulation in such city or town. The clerks of the city, towns, and villages shall cause a copy of the published notice to be posted on the signboard maintained for the posting of legal notices at the entrance of the clerk's office for the city, town, or village.

Such notice shall state that the assessment roll has been ~~finally completed~~ **finalized** and a certified copy thereof has been filed in the office of the Director of Assessment and in the office of the city, town, or village clerk, and will be open for public inspection.

#### **§ C-4.02.10. Proceedings for further review of assessments rendered by the Board of Assessment Review.**

An assessment on the completed and verified ~~city or town including village~~ **County** assessment roll shall be reviewed in the manner provided by the Real Property Tax Law of the State of New York ~~except as provided in § C 4.02.11 of this Charter.~~

#### **~~§ C-4.02.11. Time for beginning and service of papers in proceedings for review of assessments.~~**

~~The petition and notice for review of an assessment on the city or town including village assessment roll as provided for in § C 4.02.10 of this Charter must be served within 30 days after filing of the certified copy of the completed and verified assessment roll in the offices of the Director of Assessment and the city, town, or village clerk as required by § C 4.02.9 of this Charter. Three copies of the petition, notice,~~

~~and any other papers in connection therewith must be served upon the Director of Assessment or upon the Assistant Director thereof. Notwithstanding the provision of any other general or special law to the contrary, it shall not be necessary to deliver a copy of said petition or notice to the clerk of any city, town, village, or school district.~~

#### **§ C-4.02.11. School district assessment roll.**

The assessment annually made and completed in and for the city and the towns by the Department of Assessment shall be the assessment for school-district tax purposes. The Director of Assessment shall, on or before the first day of July, prepare a separate assessment roll of property situated within school districts, which separate assessment roll shall be a duplicate of that part of the ~~city or town~~ **County** assessment roll wholly or partly within each school district.

#### **§ C-4.02.12. Village assessment roll.**

The assessment annually made and completed for the Towns by the Department of Assessment shall be the assessment for village taxes to be levied in the following calendar year. The Director of Assessment shall, on or before the first day of July, prepare a separate assessment roll of property situated within such village, which separate assessment roll shall be a duplicate of that part of the ~~town~~ **County** assessment roll wholly within each village.

#### **§ C-4.02.13. Apportionment of assessment and taxes.**

Apportionments of assessment and taxes shall be done in conformance with § 932 of the Real Property Tax Law.

#### **§ C-4.02.14. Correction of errors in assessment rolls.**

(a) The Director of Assessment shall exercise and cause the provision of the appropriate sections of the Real Property Tax Law to be carried out regarding the petition of assessors for correction of assessment rolls.

(b) The Tompkins County Legislature likewise shall act in accordance with the provision of the Real Property Tax Law upon the petition of the Director of Assessment.

#### **§ C-4.02.15. Validity of assessment rolls.**

Any incorrect statement of the name of the owner or owners of any property described on the ~~city, town, village, or school district~~ **County** assessment rolls shall in no way affect the validity of such assessment roll.

#### **§ C-4.02.16. When lands imperfectly described.**

The Director of Assessment may correct any imperfect description in the city, town, and village or school district assessment rolls at any time before the lands are advertised for sale for the nonpayment of taxes or easements, and not thereafter.

#### **§ C-4.02.17. Assessments for benefit districts.**

(a) **Annually** on or before the fifteenth day of August, the Director of Assessment shall cause to be prepared assessment rolls for each and every special district that levies charges on a benefit basis.

(b) As each special district is initially approved by a municipality, a map or list showing the tax-map number of each parcel included in the special district shall be filed with **the** Tax-Map section.

(c) There upon the parcels so designated on the tax map shall be so coded to enable the preparation of special-district assessment rolls.

(d) When the special-district assessment rolls are finally completed as provided in Subdivision (a) of this section, they shall be delivered to the Town Clerk or other lawfully designated person who shall open them to public review pursuant to § 239 of the Town Law.

(e) On or before the **first fifteenth** day of November, all special-district assessment rolls shall be returned to the Director of Assessment to be included in and levied upon the town tax roll.

(f) The Tompkins County Legislature by resolution may authorize the Director of Assessment to perform and render any additional service on a time and materials basis, pertaining to the preparation and extension of assessment rolls for towns or special-district purposes levied on a benefit basis.

#### **§ C-4.02.18. Assessment staff: prohibited activities; training.**

A member of the professional or clerical staff shall not engage directly or indirectly in the business of real-estate broker, or as an insurance agent or broker, nor shall he/she speculate or deal in real estate where prohibited by law, nor engage in the collection of data or appraise real estate within the boundaries of Tompkins County for a fee or any other form of payment. These restrictions shall not be construed to prevent the arms-length purchase or sale of real estate on the open market within the boundaries of Tompkins County.

No person shall be employed and/or assigned duties that directly relate to the appraisal of real property for purposes of taxation unless he/she meets the minimum qualification standards established by the **State Office of Real Property Services New York State Department of Taxation and Finance**.

Such appraisal personnel shall attend courses of training and education prescribed by **the State Office of Real Property Services New York State Department of Taxation and Finance** within the limits of the appropriation provided therefor.

#### **§ C-4.02.19. Review and revaluation.**

All real property in the County of Tompkins shall be valued at a uniform percentage of fair market value and reviewed by the professional appraisal **eral** staff of the Department of Assessment under the guidance of the Director and the Assistant Director(s) of Assessment at time periods determined by resolution of the County Legislature.

### **Article 5. **Financial Budgeting** Procedures and Controls**

#### **§ C-5.00. Fiscal year.**

The fiscal year of the County shall begin with the first day of January and end with the last day of December of each year.

#### **§ C-5.01. Operating budget; requests.**

(a) Notification of dates and data. The County Administrator, or a designee, annually shall notify, in writing, the head of each administrative **department unit** and authorized agency receiving County funds during the fiscal year, of the following: (1) the date fixed to receive estimates of revenues and appropriations for the ensuing fiscal year; (2) the forms and information to be contained in such estimates and requests; and (3) such policy guidelines as may be provided by the Tompkins County Legislature for determining appropriation limits and priorities. This notification shall be sent to the head of each administrative **department unit** and authorized agency not less than 30 days prior to the date fixed for submission of requests.

(b) Submission of revenue estimates and appropriation requests. On or before the date established by the County Administrator each year, the head of each administrative **department unit** of County government or authorized agency shall furnish to the County Administrator ~~and to the appropriate committee of the Tompkins County Legislature~~ an estimate of revenues and appropriations of the respective **department unit** or authorized agency for the ensuing fiscal year, exclusive of capital projects. Each estimate shall show the sources of revenues and character and object of appropriations, which may be subclassified by function and shall be subdivided according to the internal organization of such **department unit**. Estimates shall be submitted in such form and shall contain such additional information as the County Administrator shall prescribe, provided that the estimate of expenditures shall constitute or be accompanied by a request for an appropriation. A proposed work program detailing the utilization of requested appropriations shall be furnished by each **department unit** or authorized agency upon request.

(c) Failure to submit. In the event that the head of any **department unit** fails to submit an estimate by the date specified, the County Administrator shall forthwith prepare such estimate.

(d) Review of request. The County Administrator, upon receipt of the estimates and requests for appropriations, shall proceed to make such review and investigation thereon as may be deemed necessary, including the procurement of additional data from the head of any **department unit** of County government. The head of each **department unit** or any officer or employee thereof and any authorized agency requesting County funds may be required to furnish data and information and answer inquiries pertinent to such review or investigation.

#### **§ C-5.02. Capital program; requests.**

(a) Submission of capital project requests. For the purpose of this section "capital project" is defined in the County's Fiscal Policy and as it may be amended. On or before the date established by the County Administrator each year, the head of each administrative **department unit** and authorized agency contemplating a capital project within the next five years shall furnish to the County Administrator ~~and to the appropriate committee of the Tompkins County Legislature~~ a description, justification, and estimate for each capital project that is proposed for development during one or more of the ensuing five fiscal years. Each such capital project request shall show: development time schedule; estimated costs for planning; site or right-of-way, construction, equipment and other features; status of plans and land acquisition; anticipated effect of project on annual operating budget for each of the ensuing three years following completion of the project; proposed method of paying for project, indicating the amount proposed to be financed by direct budgetary appropriation or duly established reserve funds, the amount to be financed by the issuance of obligations, showing the proposed type or types of obligations together with the period of probable usefulness for which they are proposed to be issued; proposed sources of financial aid; recommended appropriations by years, including total appropriations remaining beyond the five-year period of the capital program, if any; previous years' appropriation, if any, and actual expenditures in prior years and such other information as the County Administrator may prescribe. Such capital program requests shall be submitted on such forms and in such manner as the County Administrator may prescribe.

(b) Review of request. The County Administrator, upon receipt of the estimates and requests for capital projects shall proceed to make such review and investigation thereon that may be deemed necessary, including the procurement of additional data from the head of any **department unit** of County government and including the review and comment of the **appropriate Commissioners and Department Heads of Public Works and Planning**. The head of each **department unit** or any officer or employee thereof and any authorized agency requesting capital project approval may be required to furnish data and information and answer inquiries pertinent to such review or investigation.

### **§ C-5.03. Proposed operating budget; contents; data required; preparation.**

(a) Detailing of recommended appropriations. The recommendations for appropriations in the proposed County budget shall be classified by units and their sub-units according to the internal organization of such units, or by special funds. Such recommendations shall show the character and object of the appropriation and shall contain: (1) an estimate of the several amounts that the County Administrator deems necessary in the ensuing fiscal year for conducting the business of the County and each unit thereof, separately stated, and for other County purposes and charges classified to show separately: (i) the ordinary recurring expense of the operation and maintenance of County government, and (ii) any extraordinary or nonrecurring expenses to be financed from current revenue; (2) an estimate of the general contingent fund that the County Administrator recommends to be provided for unanticipated or emergency County purposes or charges; (3) a statement of the several amounts recommended by the County Administrator for appropriation to the reserve funds and reserve for bonded debt funds, if any; (4) a statement of the amount required to pay the interest on and amortization of or redemption of indebtedness becoming due in the ensuing fiscal year; (5) a statement of the amount recommended as necessary to be appropriated for the payment of judgments against the County payable during the ensuing fiscal year and for which no bonds have been or will be issued; **(6) a statement alerting the County to State restrictions such as the tax cap.**

(b) Detailing of estimated revenues. The estimates of revenue in the proposed County budget shall be classified by accounts and units of County government, shall show the sources of income, and shall contain: (1) a statement of all revenues **which it is estimated will to** be received by the County during the ensuing fiscal year, except from County taxes to be levied; (2) a statement of all unexpended balances, if any, at the end of the last completed fiscal year, which are available to meet the expenditure requirements of the fiscal year for which the proposed budget is being prepared; (3) **a statement of the estimated receipts on account of unpaid school taxes to be relieved by the Tompkins County Legislature for the ensuing fiscal year;** (4) a statement as to the amounts, if any, from the capital reserve fund and/or reserve for bonded debt funds available for payments, other current capital payments or debt service during the ensuing fiscal year; and (4) a statement of the estimated net County tax requirements, determined by subtracting the total estimated revenues, other than taxes to be levied, and such contributions from any other available surplus funds, from the total recommended expenditures for the ensuing fiscal year.

(c) Additional data concerning debt. In addition to items of operations and maintenance, the proposed County budget shall include or be supplemented by a statement showing the **estimated 20-year** bonded indebtedness of the County government and its agencies, the debt redemption and interest requirements, the indebtedness authorized and unissued, the condition of the capital reserve and reserve for bonded debt funds, the borrowing capacity of the County, and any other matter that the County Administrator may deem advisable or the Tompkins County Legislature may require.

(d) Moneys received not included. **Unless otherwise required by law or rulings of the New York State Comptroller, m**oneys received by the County but required by law to be paid to the State of New

York or to the units of government within the County shall not be included in the appropriations and revenues anticipated in the budget.

(e) Preparation. Upon completion of the review of the estimates and requests from the various **department unit** and authorized agencies, the County Administrator shall prepare the proposed County budget for the ensuing fiscal year. The proposed operating budget shall be in such form as the County Administrator may deem advisable **and/or Legislature may require**, and shall show, in parallel columns, at least the following comparative information: (1) the actual expenditures and revenues for the last completed fiscal year; (2) the budget as modified for the current fiscal year; (3) the estimates of appropriations and revenues for the ensuing fiscal year submitted by the heads of the various departments, other administrative **department unit** and authorized agencies; and (4) the County Administrator's recommendations and estimates as to appropriations and revenues for the ensuing fiscal year.

#### **§ C-5.04. Proposed County capital program; preparation, contents, and data required.**

(a) Preparation of proposed capital program. The County Administrator, **with the assistance of the Division of Budget and Finance**, shall prepare the proposed County capital program for the ensuing five fiscal years. The proposed program shall be in such form as the County Administrator may deem advisable, and shall show, in parallel columns, at least the following information: (1) title of project; (2) total appropriation for project; (3) total amount previously appropriated for project; (4) actual expenditures to date for project; (5) project appropriations for each of the ensuing five fiscal years; and (6) authorized method of payment.

#### **§ C-5.05. Proposed County operating budget and capital program; submission to Tompkins County Legislature.**

~~(a) Review and Recommendation by Tompkins County Legislature committees. When the County's operating budget and capital program have been prepared according to the requirements of this section, they shall be submitted to the appropriate committees of the County Legislature as shall be designated in the Administrative Policies and Rules of the Tompkins County Legislature, except that the capital program shall be reviewed and recommended upon by a Capital Program Committee which shall consist of such members of the Tompkins County Legislature as the Legislature shall designate. The recommendations of these committees shall be shown in parallel columns in the information provided by the Tompkins County Legislature according to Paragraphs (b) and (c) below.~~

~~(b) Preparation of resolutions. The County Administrator shall cause to be prepared proposed appropriation and tax levying resolutions to implement the proposed County budget and the proposed capital program and to make provision for the conduct of the County government for the ensuing fiscal year. The appropriations set forth in such resolutions shall be classified by funds and units of County government, which shall be subdivided according to units of organization, but need not be further classified than by personal service and other than personal services. Such resolutions shall be filed with the Clerk of the Tompkins County Legislature on or before the tenth day of November of each year. The County Administrator shall also submit at this time a budget message which shall include an outline of fiscal policy for the County government, describing the important features of the current budget and capital program with reference both to proposed appropriations and anticipated income, and such general summaries and supporting schedules as may be deemed appropriate. Such summaries and schedules shall include, but not be limited to, the aggregate figures of the current budget in such manner as to show a balanced relation between the proposed appropriations and the total anticipated income for the fiscal year covered by it and which shall compare these figures with the corresponding figures of the last completed fiscal year and the year in progress.~~

~~(c) Available as public record. Upon submission, the proposed County budget shall become a public record in the office of the Clerk of the Tompkins County Legislature. Copies of the same shall be made available by the Clerk of the Legislature for distribution.~~

**NEW (Replaces paragraphs (a)-(c) above):**

(a) Submission and Review of County Administrator's Recommended Budget. When the County's operating budget and capital program have been prepared according to the requirements of this section, the County Administrator shall submit his or her Recommended Operating Budget and Recommended Capital Program to the appropriate committees of the County Legislature as designated in the Administrative Policies and Rules of the Tompkins County Legislature, except that the capital program shall be reviewed and recommended by the program committee so charged.

The County Administrator shall also submit at this time an accompanying budget message describing the important features of the Recommended Operating Budget and Recommended Capital Program with reference to both proposed appropriations and anticipated income, and such general summaries and supporting schedules as may be deemed appropriate. Such summaries and schedules shall include, but not be limited to, the aggregate figures of the Recommended budget in such manner as to show a balanced relation between the proposed appropriations and total anticipated income for the fiscal year covered by it, and that shall compare these figures with the corresponding figures of the last completed fiscal year and the year in progress.

(b) Available as public record. Upon submission of the Recommended Budget and Recommended Capital Program by the County Administrator, the budget shall become a public record in the office of the Clerk of the Tompkins County Legislature. Copies of the same shall be made available on the County's web page and as deemed appropriate, such as if a paper copy is requested.

(c) Committee recommendations to the Tompkins County Legislature. Upon review of the Recommended Operating Budget and Recommended Capital Program, the designated committees shall provide their recommendations regarding modifications of the recommended budget and recommended capital program to the Tompkins County Legislature. Modifications recommended by the committees shall be presented to the Legislature separately and distinctly, and in a manner that defines the administrative unit, character, object, and amount of affected appropriations and source of affected revenues. The Recommended Operating Budget and Recommended Capital Program with those modifications shall constitute the Proposed Tentative Operating Budget and Capital Program.

(d) Legislature's Adoption of Tentative Budget. No later than October 31 each year, and upon consideration of recommendations provided by the designated review committees and other modifications that may be proposed, the Tompkins County Legislature shall vote to adopt the Proposed Tentative Operating Budget and Capital Program. By this action, the Legislature's approved Tentative Operating Budget and Capital Program supersedes the County Administrator's Recommended Operating Budget and Recommended Capital Program and becomes the basis of the subsequent public hearing and the Legislature's consideration for adoption of a final budget. If the full Legislature fails to adopt the Proposed Tentative Operating Budget and Capital Program, then the County Administrator's Recommended Budget is deemed to be the Tentative Budget.

(e) Preparation of resolutions. On or before the tenth day of November of each year, the County Administrator shall cause to be prepared proposed appropriation and tax-levying resolutions to implement the Tentative Operating Budget and Capital Program for the ensuing fiscal year as approved by the Legislature or, in the absence of such legislative approval, as proposed by the County Administrator. The resolutions shall be accompanied by the Tentative Operating Budget and Capital Program document that

sets forth revenues and appropriations classified by funds and units of County government, which shall in turn be subdivided according to units of organization as well as other details and reports that are required by the County's Fiscal Policy.

#### **§ C-5.06. Public hearing.**

~~Not later than the twentieth day of November, the Clerk of the Tompkins County Legislature shall cause to be published in the official newspaper(s) a notice of the place and time, not later than the first day of December, at which the Tompkins County Legislature, or a committee designated by such Legislature, will hold a public hearing on the proposed County operating budget and capital program as submitted by the County Administrator and the report(s) submitted by the Capital Program Committee and any other committee designated by such Legislature. At such hearing any person may be heard for or against the proposed County operating budget and capital program submitted by the County Administrator or any item thereof and the report or any item thereof submitted by the Tompkins County Legislature, its Capital Program Committee or any other committee designated by such Legislature.~~

#### **NEW (Replaces paragraph above):**

Not later than the twentieth day of November, the Clerk of the Tompkins County Legislature shall cause to be published in the official newspaper(s) a notice of the place and time, not later than the first day of December, at which the Tompkins County Legislature, or a committee designated by such Legislature, will hold a public hearing on the proposed County Operating Budget and Capital Program as submitted by the County Administrator and the report(s) submitted by the Capital Program Committee and any other committee designated by such Legislature. At such hearing any person may be heard for or against the proposed County operating budget and capital program submitted by the County Administrator or any item thereof and the report or any item thereof submitted by the Tompkins County Legislature, its Capital Program Committee, or any other committee designated by such Legislature.

#### **§ C-5.07. Adoption of budget and capital program.**

~~(a) Board action after hearing. Following the public hearing, the Tompkins County Legislature may reduce or eliminate items of appropriations or anticipated revenues from the proposed County budget or capital program, excepting appropriations required by law or for debt service. The Legislature may add or increase items of appropriations in such budget or capital program, provided that such additions or increases are stated separately and distinctly, and are accompanied by proposals for additional revenues sufficient to fund the proposed increases.~~

~~(b) Tompkins County Legislature's failure to act. If the Tompkins County Legislature has not adopted a budget or capital program, as herein provided, on or before the tenth day of December, then the proposed County budget as submitted by the County Administrator shall be the budget and/or capital program for the ensuing fiscal year, and the necessary implementing appropriations and tax levies shall be deemed to have been made.~~

~~(c) Certification of budget and capital program. Two copies of the budget and capital program as adopted shall be certified by the Clerk of the Tompkins County Legislature. One such copy shall be filed in the office of the County Administrator and another in the office of the Clerk of the Tompkins County Legislature. The budget and capital program as so certified shall be printed or otherwise reproduced and copies shall be made available.~~

#### **NEW (Replaces paragraphs (a)-(c) above):**

(a) Board action after hearing. Following the public hearing, the Tompkins County Legislature may reduce or eliminate items of appropriations or anticipated revenues from the proposed County budget or capital program, excepting appropriations required by law or for debt service. The Legislature may add or increase items of appropriations in such budget or capital program, provided that such additions or increases are stated separately and distinctly, and are accompanied by proposals for additional revenues sufficient to fund the proposed increases.

(b) Tompkins County Legislature's failure to act. If the Tompkins County Legislature has not adopted a budget or capital program, as herein provided, on or before the tenth day of December, then the proposed County budget as submitted by the County Administrator shall be the budget and/or capital program for the ensuing fiscal year, and the necessary implementing appropriations and tax levies shall be deemed to have been made.

(c) Certification of budget and capital program. Two copies of the budget and capital program as adopted shall be certified by the Clerk of the Tompkins County Legislature. One such copy shall be filed in the office of the County Administrator and another in the office of the Clerk of the Tompkins County Legislature. The budget and capital program as so certified shall be printed or otherwise reproduced and copies shall be made available as deemed appropriate, such as if a paper copy is requested.

#### **§ C-5.08. Levy of taxes.**

The net County tax requirement, determined by subtracting the total estimated revenues from the total proposed appropriations as set forth in the adopted budget, shall be levied in advance of the start of the fiscal year by the Tompkins County Legislature on the taxable real property of the several tax districts of the County.

#### **§ C-5.09. Appropriations; supplemental and emergency.**

If during any fiscal year there are available for appropriation (1) revenues received from sources not anticipated in the budget for that year, and (2) revenues received from anticipated sources but in excess of the budget estimates therefor, the Tompkins County Legislature may make supplemental appropriations for the year not in excess, ~~however,~~ of such additional revenues. To meet a public emergency affecting life, health, or property, the Tompkins County Legislature may make emergency appropriations. To the extent that there are no available unappropriated revenues to meet such appropriations, the Tompkins County Legislature may authorize the issuance of obligations pursuant to applicable law.

#### **§ C-5.10. Insufficiency of revenues.**

If at any time during the fiscal year it appears that the revenues available will be insufficient to meet the amounts appropriated, the County Administrator shall advise the Tompkins County Legislature promptly of the amount of the anticipated deficiency and recommend such action as is deemed necessary to prevent such deficit. For that purpose, the Legislature may, by resolution, reduce one or more appropriations or take such other action as it deems appropriate; but no appropriation for debt service may be reduced, and no appropriation may be reduced by more than the unencumbered balance thereof or below any amount required by law to be so appropriated. The Legislature may also, if it so determines, authorize borrowing temporarily, pursuant to applicable law, in an amount not greater than such deficit for such purposes.

#### **§ C-5.11. Appropriation transfers within or among units or agencies.**

The Tompkins County Legislature may transfer part or all of any unencumbered appropriation balance within the same unit of County government or from one County administrative unit to another. The

Tompkins County Legislature may designate by resolution which transfers require affirmative action by the Tompkins County Legislature, and which may be authorized by action of the appropriate Tompkins County Legislature committee, or **by** the County Administrator or Director of Finance only. No transfer shall be made from appropriations for debt service, and no appropriations may be reduced below an amount required by law to be so appropriated.

**§ C-5.12. Budget controls; limits of liability.**

(a) Limits of liability commitments. No County officer, employee, administrative unit, or other authorized spending agency shall, during a fiscal year, expend or contract to expend any money or incur any liability, or enter into any contract that, by its terms, involves the expenditure of money in excess of the amounts appropriated or authorized to be borrowed, pursuant to the Local Finance Law, by the Tompkins County Legislature.

The unexpended balance of each current appropriation, less the commitments outstanding at the close of the fiscal year for which it was made, shall lapse at the close of such fiscal year and shall be deemed as revenue of reserve for bonded debt funds or reserve funds for the purpose of preparing, during the following fiscal year, the proposed County budget for the ensuing fiscal year pursuant to (2) of Paragraph (b) of § C-5.03 of this article. ~~and~~ In this respect, no assignment of a requisition number or request by letter or other means to the County Administrator or any other County officer from any unit of County government for the purpose of holding over after the close of such fiscal year any unencumbered balance, or part thereof, of any appropriation shall be construed to be a commitment or the encumbering of any such appropriation. ~~; provided that~~ **In addition,** nothing herein contained shall be construed to require the lapsing of appropriations that may or are required to be made for an indefinite period or that include state refunds, allocations, or grants applicable to said appropriations pursuant to any other provision of law. ~~; and provided further that~~ **Moreover,** nothing herein shall be construed to prevent the making of appropriations or contracts for the construction of permanent public improvements or works not to be completed during the fiscal year, or the acquisition of property therefor, or for leases or the establishment of bond or capital accounts, reserve for bonded debt funds, or reserve funds, and each such appropriation, account, or fund shall continue in force until the purpose for which it was made shall have been accomplished or abandoned. Any contract, verbal or written, made in violation of this section shall be null and void.

(b) Other budget controls. The County Administrator shall maintain control at all times over the expenditures of every unit of County government except the Tompkins County Legislature. For such purposes, the County Administrator may, among other things

(1) require prior to the beginning of any fiscal year, the submission by the head of each **department unit** or authorized agency of revised work programs based on appropriations in the adopted budget for such fiscal year and originally submitted as proposed work programs for such year by the head of each administrative **department unit** or authorized agency pursuant to Paragraph (b) of § C-5.01 of this article;

(2) prescribe quotas and allotments, and report to the Tompkins County Legislature concerning such quotas and allotments; ~~and~~ no unit, officer, employee, or financial activity of the County shall encumber its appropriation in an amount in excess of that allowed by any quota or allotment so prescribed.

(c) Capital program controls. No capital project shall be authorized or undertaken unless it is included in the capital program as adopted or amended. At any time during the fiscal year for which the capital

program was adopted, the Tompkins County Legislature by affirmative vote of 2/3 of its total membership may amend the capital program.

**§ C-5.13. Contingent funds.**

The Tompkins County Legislature may at any time, by resolution, appropriate all or any part of the moneys in the general contingent fund for general County purposes.

**Article 6. Department of Finance**

**§ C-6.00. Department of Finance.**

There shall be a Department of Finance headed by the Director of Finance, who shall be the County's chief fiscal officer and chief purchasing officer, who shall have all the powers and perform all the duties conferred or imposed by law upon a county treasurer or commissioner of finance, and who shall have all the powers and perform all the duties now or hereafter conferred or imposed by this Charter. The Department shall maintain systems in accordance with generally accepted accounting principles, including provision for separation of function such as purchasing and bill paying.

**§ C-6.01. Director of Finance; appointments; qualifications; term.**

The Director of Finance shall be appointed by, be directly responsible to, and serve at the pleasure of the Tompkins County Legislature. The Director of Finance shall have training and experience in government finance acceptable to the Tompkins County Legislature.

**§ C-6.02. Director of Finance; powers and duties.**

The Director of Finance shall have all the powers and perform all the duties conferred or imposed by law on a chief fiscal officer, a county treasurer, or commissioner of finance, and **on** a chief purchasing agent **and as shall be authorized by the Tompkins County Legislature.**

The Director of Finance shall:

- (a) **H**ave superintendence over the fiscal affairs, records, and accounts of all departments;
- (b) **M**anage and coordinate debt issuance;
- (c) **P**rescribe approved methods of record keeping for all departments;
- (d) **C**ollect, have custody of, deposit, and disburse all fees, revenues, and other funds except as otherwise provided by law;
- (e) **B**e responsible for enforcement of provisions of the Real Property Tax Law regarding delinquent property taxes;
- (f) **C**oordinate an annual examination of financial records by an independent certified public accountant;
- (g) **C**ertify and process the County payroll in an accurate and timely manner.

The Director of Finance shall have responsibility for all County purchasing and bidding, maintain current inventory **and valuation** of infrastructure and fixed assets; and coordinate the disposal of surplus real property and equipment.

The Director of Finance is also responsible for enforcement of the provisions of the Real Property Tax Law as it relates to recovery of delinquent property taxes, and shall coordinate with the County Attorney and Planning Department on the foreclosure of tax liens and the disposal of tax-acquired property.

**§ C-6.03. Staff.**

The Director of Finance shall have the power to appoint such other deputies, assistants, and employees as may be necessary to perform the duties of the Office of the Director of Finance and as shall be authorized by the Tompkins County Legislature.

**Article 7. Department of Law**

**§ C-7.00. Department of Law; County Attorney; appointment; qualifications; term.**

There shall be a Department of Law under the direction of a County Attorney, who shall be appointed by, be directly responsible to, and serve at the pleasure of the Tompkins County Legislature. At the time of the appointment, and throughout the term of office, the County Attorney shall be and remain duly licensed and entitled to practice law in the State of New York. The County Attorney shall be appointed on the basis of required legal experience and other qualifications appropriate to the responsibilities of the office.

**§ C-7.01. County Attorney; powers and duties.**

Except as may otherwise be provided in this Charter, the County Attorney shall, with respect to County civil matters:

- (a) Be the sole legal advisor for the County government and all its units, including its officers in their roles as County employees;
- (b) Prepare all necessary legal papers and instruments;
- (c) Prosecute or defend all civil matters or proceedings involving the County and its units, including its officers;
- (d) Prepare drafts of local laws, ordinances, resolutions, legalizing acts, or other legislation upon request of a member of the Tompkins County Legislature, together with notices and other documents in connection therewith;
- (e) Have all the powers and perform all the duties conferred or imposed by law upon a county attorney, and perform such other and related non-conflicting duties as are required by the Tompkins County Legislature;
- (f) Supervise department staff, including attorneys;
- (g) Advise and consult with the Commissioner of Social Services regarding hiring of Social Services Attorneys;
- (h) Be the legal advisor for the County's Ethics Advisory Board.**

**§ C-7.02. Deputy County Attorneys and staff; appointment; oath; filing.**

The County Attorney shall appoint such Deputy County Attorneys, Assistant County Attorneys, and employees of the Department as shall be authorized by the Tompkins County Legislature. At the times of their appointment, and throughout their terms of office, all Deputy County Attorneys and Assistant

County Attorneys shall be and remain duly licensed and entitled to practice law in the State of New York. All Deputy County Attorneys, Assistant County Attorneys, and employees of the Department shall be directly responsible to, and serve at the pleasure of the County Attorney.

Every appointment of a Deputy County Attorney or an Assistant County Attorney by the County Attorney shall be in writing, filed and recorded in the Office of the County Clerk. The person or persons so appointed shall take the prescribed oath of office and furnish any required official undertaking. Any such appointment may be revoked by the County Attorney at any time by filing a written revocation in the Office of the County Clerk.

**§ C-7.03. Inconsistent interests among County officials.**

Whenever the interests of the Tompkins County Legislature or the County are inconsistent with the interests of any officer or employee of the County, the County Attorney shall represent the interests of the Tompkins County Legislature and the County unless the provisions of § 18 of the Public Officers Law are applicable. In such case, the officer or employee may employ an attorney-at-law at the officer's own expense, except as provided by any local law with respect to indemnification.

**§ C-7.04. Expert assistance.**

The County Attorney may, within the limits of appropriations provided therefor, employ special counsel, professional, technical, or other consultant services and incur such expenses in connection therewith as may be deemed necessary for the performance of the duties of the County Attorney.

**§ C-7.05. Waiver of filing fees.**

No office, officer, department, or court of the County shall require from the Department of Law any filing or recording fee or other charge pertaining to or in connection with the work of said Department.

**Article 8. Department of Human Resources Personnel**

**§ C-8.00. Department of Human Resources Personnel; Commissioner; appointment; term; qualifications.**

There shall be a Department of Human Resources Personnel, headed by a Commissioner of Human Resources Personnel, who shall be appointed by the County Administrator, subject to confirmation by the Tompkins County Legislature. The Commissioner of Human Resources Personnel shall be appointed to a six-year term on the basis of administrative experience and other qualifications appropriate to the responsibilities of the office and shall be directly responsible to the County Administrator, unless otherwise required by law, for the implementation of policies established by the Tompkins County Legislature.

**§ C-8.01. Commissioner of Human Resources Personnel; powers and duties.**

The Commissioner shall have the power to appoint such deputies, assistants, and employees of the Department of Human Resources Personnel as may be necessary to perform the duties of the office of Commissioner of Human Resources Personnel and as shall be authorized by the Tompkins County Legislature. All deputies, assistants, and employees of the Department shall be directly responsible to the Commissioner. Except as otherwise provided in this Charter, the Commissioner shall have all the powers and perform all the duties of a Municipal Civil Service Commission as provided by the Civil Service Law. The powers and duties of the Commissioner shall be to:

- (a) Maintain and administer salary plan(s) for County employees, periodically re-survey prevailing salaries and recommend amendments to the Tompkins County Legislature to eliminate inequities, recruiting difficulties, and employee turnover problems;
- (b) Establish, in cooperation with other heads of units of County government, a program of employee recruitment designed to acquaint interested persons with the opportunities for employment in County government, and to provide County government with appropriate candidates to fill vacancies in established positions;
- (c) Maintain, in cooperation with other heads of units of County government, a central file of job opportunities in County government, and make provisions for the dissemination of such information to the public;
- (d) Establish and maintain a roster of all County officers and employees. Such roster shall show for each County officer and employee the date of appointment or election, the title of the position, the rate of pay and rate changes, promotions, demotions, transfers, the time and cause of separations from County employment, and any other information the Commissioner considers necessary for a proper personnel record;
- (e) Institute programs to ensure that each incoming County employee is properly advised of the responsibilities and benefits of County employment and receives necessary orientation and both pre-work assignment and continuing training;
- (f) Determine those aspects of employment, working conditions, benefit programs, and employee activities that are necessary to maintain the County in a competitive position as an employer and recommend actions to the Tompkins County Legislature to accomplish this;
- (g) Administer on behalf of the County agreements with recognized employee organizations concerning terms and conditions of employment and other matters that may come before the Commissioner and recommend necessary action to the Tompkins County Legislature;
- (h) Serve as a member of the Special Negotiating Committee appointed pursuant to § C-2.08(c) of this Charter;

**(i) Appoint and oversee the work of the Director of Employment and Training Division of the Office of Workforce Development;**

**(i) (i)**—Perform such other and related duties as may be required by the Tompkins County Legislature.

**§ C-8.02. Certification of payrolls.**

No payroll, estimate, or account providing for the payment of wages or salaries shall be approved by the County Director of Finance unless it bears the certificate of the Commissioner of **Human Resources Personnel** that the persons named therein have been, during the period specified, employed in their respective positions in accordance with law and rules made pursuant thereto.

**§ C-8.03. Cooperation by administrative unit heads.**

It shall be the duty of the head of each administrative unit of the County government to furnish the Commissioner of **Human Resources Personnel** with such information and aid as may be necessary to the performance of the duties of the office of Commissioner of **Human Resources Personnel**.

## Article 9. Department of Health

### § C-9.00. County Health District; Department of Health; Public Health Director; appointment; term; qualifications.

The County of Tompkins shall be a County Health District. There shall be a Department of Health headed by a Public Health Director, who shall be appointed by the County Administrator, **following consultation with upon the recommendation of** the Board of Health, subject to confirmation by the Board of Health, Tompkins County Legislature, and the New York State Commissioner of Health. The Public Health Director shall be directly responsible to the Board of Health for the implementation and enforcement of the County Sanitary Code and other public health programs, and directly responsible to the County Administrator for the implementation of financial, personnel, and administrative policies, **not directly affecting the public health within the County**, established by the Tompkins County Legislature **that are not directly affecting the public health within the County**. The term of office shall be six years. The Public Health Director shall meet qualifications as prescribed by the local Civil Service office.

### § C-9.01. Public Health Director; powers and duties.

The Public Health Director shall have all the powers and perform all the duties now or hereafter conferred or imposed by law or code upon a County Public Health Director, together with such other and related duties as may be required by the Tompkins County Legislature or the Board of Health as provided in § C-9.04 of this article. The powers and duties of the Public Health Director shall be to:

- (a) Appoint such deputies, assistants, and employees of the department as shall be authorized by the Tompkins County Legislature;
- (b) Plan, organize, and direct **a** local public health programs **in accordance with the local Municipal Public Health Services Plan**, including the identification, influence, and treatment of disease and disease trends throughout the County;
- (c) Direct the operation of environmental health programs to promote and protect the public health through supervision and regulation of public eating places, swimming and camping facilities, drinking water supplies and sewage systems, rabies control, indoor air quality, **open burning**, youth tobacco control, exposure to chemicals, and other activities as warranted;
- (d) Collect any fees established by the Tompkins County Legislature and the Board of Health for public health work and remit same to the Department of Finance;
- (e) **Initiate, implement, and coordinate health and health education programs** **Develop or adapt public health materials and campaigns to increase public awareness of disease, promote healthy behaviors, and reduce risk factors to prevent the spread of disease.** **Partner** with public and private community groups throughout the County and regionally in the planning of community health **relations and** programs;
- (f) **Serve as or designate the Vital Statistics Registrar who** collects and records information relating to births, deaths, and other statistics necessary or appropriate to the maintenance of a responsive health program throughout the County;

- (g) Implement policies established by the Tompkins County Legislature and/or the Board of Health as provided in § C-9.04 of this Charter;
- (h) Serve as **or designate** the County **Early Intervention** Official to coordinate the identification, tracking, and screening of children at risk of developmental delay;
- (i) Coordinate public-health-related emergency preparedness **and** responses.

#### **§ C-9.02. Medical Director; appointment; qualifications.**

There shall be a Medical Director who shall be appointed by the Public Health Director, after consultation with the Board of Health. The Medical Director shall be directly responsible to the Public Health Director and shall exercise general supervision and control, in concert with the Public Health Director, of all medical aspects of the department's operations, including the medical treatment of patients in public health **centers and** clinics operated by the Health District. At the time of appointment and throughout the term of office, the Medical Director shall be and remain duly licensed and entitled to practice medicine in the State of New York, and shall have such other qualifications as may be required by law, the local Civil Service office, and the Tompkins County Legislature.

#### **§ C-9.03. Medical Examiner; appointment; qualifications; powers and duties.**

There shall be a Medical Examiner(s) appointed by the Public Health Director after consultation with the Board of Health. The Medical Examiner(s) shall be directly responsible to the Public Health Director for the implementation of policies established by the Tompkins County Legislature. At the time of appointment and throughout the term of office, the Medical Examiner(s) shall be and remain duly licensed to practice medicine in the State of New York. The Medical Examiner(s) shall have all the powers and perform all the duties now or hereafter conferred or imposed by law upon a Medical Examiner and shall perform such other and related duties as may be required by the Tompkins County Legislature.

#### **§ C-9.04. Board of Health; appointment; powers and duties.**

There shall be a County Board of Health, the members of which shall be appointed by the Tompkins County Legislature. The County Board of Health shall consist of seven members, one of whom shall be a member of the Tompkins County Legislature, and at least three of whom shall be physicians licensed to practice in the State of New York. In addition thereto, each city that becomes a part of the County Health District shall be entitled to one additional representative member of the Board of Health. The term of office of each member of the County Board of Health shall be six years, and the term of one of the members shall expire annually, except that the term of **the** office of the representative member of the Tompkins County Legislature shall be for such lesser period as may be required in the event that this member does not continue as a member of the Tompkins County Legislature.

The Board of Health shall have the authority to draft bylaws for approval by the Tompkins County Legislature, elect officers from its membership, and establish committees. Updated copies of bylaws must be kept on file in the Office of the Clerk of the Tompkins County Legislature.

The Board of Health shall have the following powers and duties:

- (a) Formulate, promulgate, adopt, amend or repeal, and publish rules, regulations, orders, and directives for the security of life and health in the health district that shall not be inconsistent with the

Public Health Law or the State Sanitary Code. Such rules, regulations, orders, and directives shall be known as the "County Sanitary Code";

- (b) Take appropriate action to preserve and improve public health within the County;
- (c) Consider any matters that may come to its attention relating to the preservation and improvement of public health within the County and advise the Public Health Director thereon, either at the Public Health Director's request or upon its own initiative, and from time to time make recommendations to the Public Health Director thereon;
- (d) Serve as the governing authority for the Tompkins County Licensed Home Care Services Agency pursuant to Codes, Rules, and Regulations of the State of New York; **and** be responsible for the establishment of standards of the agency service and care and the approval of standard clinical regimens; **and (e) S** select and appoint a qualified Agency Administrator and delegate to the administrator executive authority and responsibility for the operation of the agency, including the employment of the professional staff;
- (e) Organize and maintain, or contract for, public health clinics in Tompkins County;
- (f) Review and make recommendations on the budget of the Department of Health;
- (g) Operate within the financial, personnel, and administrative County policies as established by the Tompkins County Legislature;
- (h) With the approval of the Tompkins County Legislature (and the State Commissioner of Health, where required by law), establish fees for the services provided by the Department of Health. Both the Board of Health and the Tompkins County Legislature must mutually agree on the fees. If a disagreement occurs, the fee schedule shall return to the Board of Health for review and recommendation back to the Tompkins County Legislature.

**§ C-9.05. Board of Health; Sanitary Code; procedure for adoption.**

- (a) The affirmative vote of a majority of the total membership of the Board of Health shall be required to pass any rule, regulation, order, or directive that constitutes the adoption of, or an amendment or addition to, or to repeal a portion of the County Sanitary Code. On the final passage, the question shall be taken by ayes and noes, and the names of the members present and their votes shall be entered in the minutes of proceedings.
- (b) Every rule, regulation, order, or directive that constitutes an amendment or addition to or removal from the County Sanitary Code shall be mailed or delivered in final form to each member at least 10 calendar days, exclusive of Sunday, prior to its final passage.
- (c) The Board of Health shall hold a public hearing on every rule, regulation, order, or directive that constitutes the adoption of, or an amendment or addition to, or removal from the County Sanitary Code, prior to its final passage. Such public hearing shall be on at least five days' notice, published in the official daily newspaper(s) in the County.
- (d) The Board of Health shall cause to be published annually a supplement to the County Sanitary Code that shall indicate all additions to, repeals, and amendments of any section of said Code.

(e) The Public Health Director shall cause to be furnished certified copies of the County Sanitary Code and its amendments for such fees as may be authorized by law.

**§ C-9.06. County Sanitary Code; violations and penalties.**

The provisions of the County Sanitary Code shall have all the force and effect of law. Penalties for violation of or nonconformance with any provision of such County Sanitary Code, or of any rule, regulation, order, or directive made thereunder, shall be in accordance with provisions of the Public Health Law of the State of New York. Certified copies of the County Sanitary Code shall be received in evidence in all courts and proceedings in the State.

**§ C-9.07. Board of Health; recommendations.**

~~The Board of Health shall, in consultation with the Public Health Director, prepare annually its recommendations for meeting the public health needs of the County. Copies of the recommendations shall be transmitted to the Tompkins County Legislature, the County Administrator, and the State Commissioner of Health each year or as required by New York State Department of Health regulations.~~

**Article 10. Department of Planning and Sustainability**

**§ C-10.00. Department of Planning and Sustainability; Commissioner; appointment; qualifications; term.**

There shall be a Department of Planning and Sustainability under the direction of a Commissioner of Planning and Sustainability, who shall be appointed by the County Administrator, following consultation with the County Planning Advisory Board, subject to confirmation by the Tompkins County Legislature. The Commissioner shall be appointed on the basis of professional training and experience and other qualifications appropriate to the responsibilities of the office. The Commissioner shall be directly responsible to the County Administrator for the implementation of policies established by the Tompkins County Legislature.

**§ C-10.01. Commissioner of Planning and Sustainability; powers and duties.**

The Commissioner of Planning and Sustainability shall have the power to appoint such deputies, assistants, and employees of the Department as may be necessary to perform the duties of the office of Commissioner of Planning and Sustainability and as shall be authorized by the Tompkins County Legislature. All deputies, assistants, and employees of the Department shall be directly responsible to the Commissioner. Except as may otherwise be provided in this Charter, the Commissioner of Planning and Sustainability shall have all the powers and perform all the duties now or hereafter conferred or imposed by State law upon a County Commissioner of Planning and Sustainability or a County Planning Board and shall perform such other and related duties as may be required by the Tompkins County Legislature.

~~The positions of Commissioner of Planning and Commissioner of Public Works may be combined into a single title of Commissioner of Planning and Public Works.~~

The powers and duties of the Commissioner shall be to:

(a) Prepare, in consultation with the County Planning Advisory Board, a comprehensive plan for the development of the County, which may shall include those topics authorized by New York State General Municipal Law and other topics determined to be important to the County. Such plan shall be submitted for adoption by approval to the Tompkins County legislature in the manner provided by the General

Municipal Law. The plan shall be monitored annually, updated as necessary, and formally reviewed every five years following adoption;

**(b) Collaborate with others to develop strategies, projects, and programs to implement the Comprehensive Plan;**

(c) Collect and distribute, or cause to be collected and distributed, information relative to state, regional, and municipal planning and zoning in the County;

(d) Conduct research into economic and housing conditions in the County and the municipal subdivisions thereof, and seek to cooperate with municipal and other bodies organized for such purposes. Apply for and administer economic and community development grants and funding as authorized by the Tompkins County Legislature;

(e) Maintain basic data on the County's population, **demographics**, land use, housing, environmental status, human **resources**, and natural resources, community facilities, transportation and infrastructure, and such other matters and make such studies, analyses, plans, and recommendations as may be necessary in the exercise of the powers and duties of the office;

**(f) Coordinate sustainability efforts within County government and collaborate with others on community-wide and regional sustainability efforts;**

~~(g) Prepare, file, and examine various maps of Tompkins County, including detailed base maps of each city, town, and village in the County;~~ **Develop and maintain various Geographic Information System maps of Tompkins County resources; provide mapping services in support of activities of County government and as part of technical assistance services to local municipalities in the County;**

(h) Furnish services of the Department of Planning **and Sustainability**, when requested **and staff resources are available**, to other County departments, and to communities within the County in matters pertaining to planning and zoning. The Tompkins County Legislature may establish charges for such services;

(i) Make recommendations concerning matters referred from municipalities, pursuant to the General Municipal Law Article 12-B, § 239-l, -m, and -n as presently exist or may hereafter be amended;

~~(j) Assist all units in the preparation of and development of information for their respective capital project requests where such assistance is necessary;~~ **Work with other departments to develop and periodically update the County's 20-year Capital Plan;** make recommendations to the County Administrator, ~~Department of Public Works,~~ and **other** appropriate departments with respect to the County capital program;

(k) Act as a resource service for municipalities and agencies within the County in gaining funding for appropriate programs from sources other than County government, and coordinate and assist all units of County government in preparing necessary documentation **for funding**;

(l) Provide technical and administrative services and assistance to various County committees, boards, councils, or commissions as may be authorized by the Tompkins County Legislature.

**§ C-10.02. County Planning Advisory Board; composition; powers and duties.**

There shall be a County Planning Advisory Board appointed by the Tompkins County Legislature upon the recommendation of the Commissioner of Planning **and Sustainability** and endorsement of the appropriate **Legislature Board** committee. There shall be 19 members on the Planning Advisory Board. ~~Fourteen~~ **Thirteen** members shall represent the following major planning interests: (a) economic development, (b) human services, (c) transportation, (d) natural environment, (e) housing, (f) agriculture, (g) education (two members), (h) business, (i) built environment design, (j) cultural/historic preservation, (k) infrastructure or utilities, **(l) energy,** and (m) land preservation or public land management. One member shall be the ~~Chairman~~ **Chairman** of the relevant committee of the Tompkins County Legislature, or a designee of that committee. Two members shall represent local municipal planning, one each from the urbanized and non-urbanized areas of the County as defined by the U.S. Census Bureau. ~~Two~~ **Three** at-large members shall be appointed to provide, as necessary, for geographical diversity on the board or to represent a planning interest not otherwise represented on the Advisory Board.

The members of the Advisory Board shall serve staggered three-year terms, thus permitting the Tompkins County Legislature each year to appoint approximately one-third of the membership of the Advisory Board. The Planning Advisory Board may appoint such ad hoc members, without voting privileges, as it deems necessary. The purpose of the Planning Advisory Board shall be to serve as an advisory body to the Tompkins County Legislature and to the Commissioner of Planning **and Sustainability**. Recommendations to the County Legislature shall be made in writing.

~~Wherever a federal law refers to a County Planning Board, the Planning Advisory Board shall be deemed the County Planning Board.~~

The Planning Advisory Board shall have the authority to draft bylaws for approval by the Tompkins County Legislature, elect officers from its membership, and establish committees, including an Executive Committee. Updated copies of bylaws must be kept on file in the office of the Clerk of the Tompkins County Legislature.

### **§ C-10.03. County Environmental Management Council.**

There shall be an Environmental Management Council (EMC) whose members are appointed by the Tompkins County Legislature, and that will receive administrative assistance through the Planning **and Sustainability** Department **as funding permits**. The EMC shall have the authority to draft bylaws for approval by the Tompkins County Legislature, elect officers from its membership, and establish committees. Updated copies of bylaws must be kept on file in the Office of the Clerk of the Tompkins County Legislature.

The EMC is charged with carrying out the following tasks:

(a) The Council shall advise the County Legislature, through the appropriate committee of the Legislature, on matters affecting the preservation, development, and use of the natural features and conditions of the County insofar as they have a bearing on environmental quality. The Council shall also consider other matters referred to the Council by the County Legislature or Commissioner of Planning **and Sustainability**.

(b) The Council shall develop and conduct programs of public information in the County that shall be designed to foster increased understanding of the nature of environmental problems and issues and their solutions. The Council shall conduct studies, surveys, and inventories, including but not limited to surveys and studies for identification of those open spaces, natural areas, wetlands, and other natural and

scenic features that are of **a** local, County, or regional significance and for which records shall be maintained.

(c) The Council shall recommend ways to improve the coordination and effectiveness of public and private projects and other activities within the County as they affect the natural environment. The EMC should maintain liaison with regional and state environmental planning entities.

(d) The Council shall prepare and submit an annual report of its activities to the Tompkins County Legislature. The Council shall submit minutes and other pertinent materials to the appropriate committee of the Tompkins County Legislature and the Commissioner of Planning **and Sustainability**, and correspond as appropriate with officials at the local, state, and national levels.

(e) When authorized by the County Legislature, the Council may accept by gift, grant, devise, bequest, or otherwise, **money or property both real and personal property** in the name of the County, **for use in furtherance of the purposes outlined herein** as may be necessary to conserve and otherwise properly utilize open spaces and other land and water resources within the boundaries of the County.

#### **Article 11. Department of Public Works**

**(This Article is replaced with Article 11, Department of Airport; Article 12, Department of Facilities; Article 13, Department of Highway; Article 14, Department of Recycling and Materials Management (formerly Solid Waste Division) as shown below)**

#### **Article 11. Department of Airport**

##### **§ C-11.00 Department of Airport; Director; appointment; qualifications.**

There shall be a Department of Airport, under the direction of an Airport Director, who shall be appointed by the County Administrator, subject to confirmation by the Tompkins County Legislature. The Airport Director shall be appointed on the basis of professional training and experience and other qualifications appropriate to the responsibilities of the office. The Airport Director shall be directly responsible to the County Administrator for the implementation of policies established by the Tompkins County Legislature.

##### **§ C-11.01 Airport Director; powers and duties.**

The Airport Director is responsible for the safe and efficient operations of the County's airport and its associated facilities. The Airport Director is responsible for making decisions involving federal aviation regulations and general aviation operations and safety practices.

The Airport Director shall have the power to appoint all such deputies, assistants, and employees of the Department as may be authorized by the Tompkins County Legislature. All deputies, assistants, and employees of the Department shall be directly responsible to the Director.

The Airport Director may, within the appropriations provided therefor, and with the approval of the appropriate committee of the County Legislature, employ such special engineering or technical consultants and incur such expenses as may be necessary for the performance of any of the duties related to airport operations set forth in this Charter, or in applicable law, except that professional fees or other compensation shall not exceed amounts approved by the Tompkins County Legislature.

The Airport Director is responsible for supervision of the airport employees and airport contractors to ensure compliance with all applicable regulations and laws. The airport operation is an enterprise activity

and the Airport Director is responsible for all business operations of the airport.

**§ C-11.02 Air Service Board; composition; powers and duties.**

There shall be a County Air Service Board (ASB) appointed by the Tompkins County Legislature. There shall be eight (8) members of the ASB each of whom shall serve a three year term, with no limit on the number of terms a member may serve. Membership shall include a Member of the Tompkins County Legislature, the County's Commissioner of Planning, a representative of Cornell University with functional responsibility for air travel issues, and five (5) at-large members representing varied economic development, business, and airport user interests. The ASB shall have the authority to draft bylaws for approval by the Tompkins County Legislature, elect officers from its membership, and establish committees. Updated copies of bylaws must be kept on file in the Office of the Clerk of the Tompkins County Legislature. The ASB is charged with carrying out the following:

- (a) Advise the Airport Director on policy and procedures to ensure the successful operation of the Airport;
- (b) Assist the Airport Director in preparation of a budget that will support air service in the County;
- (c) Consult with the Airport Director on opportunities for state and federal funding;
- (d) Promote the best possible use of all airport resources;
- (e) Improve existing services; and
- (f) Formulate policy for consideration by the Legislature.

**Article 12. Department of Facilities**

**§ C-12.00 Department of Facilities; Director; appointment; qualifications.**

There shall be a Department of Facilities, under the direction of a Facilities Director, who shall be appointed by the County Administrator, subject to confirmation by the Tompkins County Legislature. The Facilities Director shall be appointed on the basis of professional training and experience and other qualifications appropriate to the responsibilities of the office. The Facilities Director shall be directly responsible to the County Administrator for the implementation of policies established by the Tompkins County Legislature.

**§ C-12.01 Facilities Director; powers and duties.**

The Facilities Director is responsible for the maintenance and operational management of all County-owned buildings and properties. The Facilities Director shall have the power to appoint all such deputies, assistants, and employees of the Department as may be authorized by the Tompkins County Legislature. All deputies, assistants, and employees of the Department shall be directly responsible to the Director.

The powers and duties of the Facilities Director shall be to:

- (a) Within the appropriations provided therefor, and with the approval of the appropriate committee of the County Legislature, may employ such special engineering or technical consultants and incur such expenses as may be necessary for the performance of any of the duties related to facilities set forth in this Charter, or in applicable law, except that professional fees or other compensation shall not exceed amounts approved by the Tompkins County Legislature;
- (b) Provide overall management of technical, operational, and administrative staff necessary to operate the Facilities Department;

- (c) Provide engineering advice on all matters related to County facilities;
- (d) Undertake the planning, development, and implementation of the County Capital Program as related to the construction, alteration, demolition, and repair of all buildings, and other related County facilities;
- (e) Provide assistance to all other County departments in the preparation and development of information for their respective capital program requests;
- (f) Direct the development of designs for buildings and other related facilities. At the direction of the County Administrator or the appropriate committee of the County Legislature, shall provide engineering, and related engineering services, including preparation of plans and specifications for the County, and supervise the design and construction of all capital facilities projects when any of such capital projects are designed and constructed by the County government or by any other governmental unit or private contractor under contract to the County government, or any combination of the same; and
- (g) Maintain County engineering records related to facilities.

### **Article 13. Department of Highway**

#### **§ C-13.00 Department of Highway; Director; appointment; qualifications.**

There shall be a Department of Highway, under the direction of a Highway Director, who shall be appointed by the County Administrator, subject to confirmation by the Tompkins County Legislature. The Highway Director shall be appointed on the basis of professional training and experience and other qualifications appropriate to the responsibilities of the office. The Highway Director shall be directly responsible to the County Administrator for the implementation of policies established by the Tompkins County Legislature.

#### **§ C-13.01 Highway Director; powers and duties.**

The Highway Director shall be directly responsible to the County Administrator for implementation of policies established by the Tompkins County Legislature. The Highway Director is responsible for roads and bridges under the County's jurisdiction.

The Highway Director shall have the power to appoint all such deputies, assistants, and employees of the Department as may be authorized by the Tompkins County Legislature. All deputies, assistants, and employees of the Department shall be directly responsible to the Director. Except as may otherwise be provided in this Charter, the Highway Director shall have all the powers and perform all the duties now or hereafter conferred or imposed by law upon a County Superintendent of Highways, County Engineer, and Commissioner of Public Works.

The powers and duties of the Highway Director shall be to:

- (a) Within the appropriations provided therefor, and with the approval of the appropriate committee of the County Legislature, employ such special engineering or technical consultants and incur such expenses as may be necessary for the performance of any of the duties related to highways and bridges set forth in this Charter, or in applicable law, except that professional fees or other compensation shall not exceed amounts approved by the Tompkins County Legislature;
- (b) Contract, subject to the approval of the Tompkins County Legislature, with any public corporation, public authority, governmental unit or any combination of the same for highway and bridge

services;

- (c) Undertake pavement management of the County's highway network, including reconstruction, rehabilitation, preventive and routine maintenance;
- (d) Construct, maintain; and operate all bridges under the jurisdiction of the County;
- (e) Plan, develop, and implement the County capital highway and bridge program as related to the construction, alteration, demolition, and repair of highways, and bridges;
- (f) Direct the development of designs for highways, bridges, and other related facilities;
- (g) Manage the technical staff and supervision of the retention and maintenance of highway engineering records;
- (h) At the direction of the County Administrator, or the appropriate committee of the County Legislature, provide engineering, surveying, and related engineering services, including preparation of plans and specifications for County highways and bridges, and supervise the design and construction of capital highway and bridge projects when any of such capital projects are designed and constructed by the County government or by any other governmental unit or private contractor under contract to the County government, or any combination of the same;
- (i) Authorize the rental, with or without operator, of Highway machinery, tools, and equipment of any public corporation, public authority, or any combination of the same as provided by Article 34 of the Charter upon such terms as may be agreed upon. All sums obtained pursuant to any terms agreed upon shall be deposited in the appropriate department fund;
- (j) Authorize the rental of machinery from any person, company, public or private corporation, public authority or any combination of the same as provided by Article 34 of the Charter, and such rental shall be payable from the appropriate fund;
- (k) Ensure timely and accurate communication with property owners affected by highway and bridge projects; and
- (l) Subject to the approval of the Tompkins County Legislature, contract with any public corporation, public authority, governmental unit or any combination of the same for services pursuant to Article 34 of the Charter.

#### **Article 14. Department of Recycling and Materials Management**

##### **§ C-14.00 Department of Recycling and Materials Management; Director; appointment; qualifications.**

There shall be a Department of Recycling and Materials Management, under the direction of a Recycling and Materials Management Director, who shall be appointed by the County Administrator, subject to confirmation by the Tompkins County Legislature. The Recycling and Materials Management Director shall be appointed on the basis of professional training and experience and other qualifications appropriate to the responsibilities of the office. The Facilities Director shall be directly responsible to the County Administrator for the implementation of policies established by the Tompkins County Legislature.

The Recycling and Materials Management Director is responsible for the planning, organizing, and coordinating the overall management of solid waste for the County. Some examples of solid waste programs include recycling, recycling collection, composting, re-use, reduction, household hazardous waste, old landfills, and disposal.

**§ C-14.01 Recycling and Materials Management Director; powers and duties.**

The Recycling and Materials Management Director shall have the power to appoint all such deputies, assistants, and employees of the Department as may be authorized by the Tompkins County Legislature. All deputies, assistants, and employees of the Department shall be directly responsible to the Director.

The powers and duties of the Recycling and Materials Management Director shall be to:

- (a) Within the appropriations provided therefor, and with the approval of the appropriate committee of the Tompkins County Legislature, may employ such special engineering or technical consultants and incur such expenses as may be necessary for the performance of any of the duties related to recycling and materials management programs set forth in this Charter, or in applicable law, except that professional fees or other compensation shall not exceed amounts approved by the Tompkins County Legislature;
- (b) Be responsible for the disposition of recyclables, garbage, and other waste matter for the County.
- (c) Efficiently and economically utilize staff, material, and equipment in the disposal, recycling, re-use, transport, and management of materials in compliance with all federal, state, and local regulations. The recycling and materials management operation is an enterprise activity and the Recycling and Materials Management Director is responsible for all business operations at the solid waste facilities;
- (d) Establish and monitor health, environmental, and fiscal standards for recycling and materials management.
- (e) Manage and supervise the recycling and materials management staff and all related contractors.
- (f) Undertake solid waste studies and analysis for recommendation to the Tompkins County Legislature and others.

~~§ C 11.00. Department of Public Works; Commissioner; appointment; qualifications.~~

~~There shall be a Department of Public Works under the direction of a Commissioner of Public Works who shall be appointed by the County Administrator, subject to confirmation by the Tompkins County Legislature. The Commissioner shall be appointed on the basis of professional training and experience and other qualifications appropriate to the responsibilities of the office and shall meet qualifications as prescribed by the local Civil Service Office. The Commissioner may be licensed by the State of New York as a professional engineer. The Commissioner shall be directly responsible to the County Administrator for the implementation of policies established by the Tompkins County Legislature.~~

~~§ C 11.01. Commissioner of Public Works; powers and duties.~~

~~The Commissioner of Public Works shall have the power to appoint deputies, division managers, assistants, and such other employees as may be necessary to perform the duties of the Department and as shall be authorized by the Tompkins County Legislature.~~

~~Except as otherwise provided in this Charter, the Commissioner of Public Works shall have all the powers and perform all the duties now or hereafter conferred or imposed by law upon a Commissioner of Public~~

~~Works, a County Engineer, a County Superintendent of Highways, and a County Superintendent of Parks, together with such other and related duties as may be required by the Legislature.~~

~~In addition, the Commissioner shall be responsible for the construction, maintenance, supervision, operation, repair, alteration, demolition, and custodial care of all County buildings (except Tompkins Cortland Community College), highways, bridges, parking lots, drives and related facilities, docks, marinas, airport (in compliance with Federal Aviation Administration requirements), solid waste management and recycling facilities, parks and recreational facilities, preserves, beaches, erosion projects, walks, and other facilities in the nature of public works within County jurisdiction or where contractually or otherwise appropriate and lawful.~~

~~The positions of Commissioner of Public Works and Commissioner of Planning may be combined into a single title of Commissioner of Planning and Public Works.~~

~~§ C 11.02. Commissioner of Public Works; delegation of powers and duties.~~

~~The Commissioner of Public Works may organize the Department in accordance with delegation of responsibilities to include departmental divisions for Highway, Solid Waste, Facilities, Airport, Engineering, Parks, and other public works functions. The head of each of these divisions shall be appointed by the Public Works Commissioner on the basis of professional experience and other qualifications appropriate to the responsibilities of the position and shall be directly responsible to the Commissioner of Public Works.~~

~~These division managers together may constitute a "Public Works Cabinet," which may be expanded to include related County programs, and which is intended to share information, jointly problem solve, and serve as a departmental management group under the direction, leadership, and oversight of the Commissioner of Public Works.~~

~~The Commissioner of Public Works may delegate by designation to one (1) or more persons within the Department the specific powers and duties which the Commissioner has as County Engineer, County Superintendent of Highways, or County Superintendent of Parks. Such designations, setting forth the specific powers and duties granted, shall be filed with the Clerk of the Legislature and the County Clerk. They may be revoked in whole or in part by written notice, filed with the Clerk of the Legislature and the County Clerk. If the powers and duties so designated or revoked are those which the Commissioner of Public Works has as County Superintendent of Highways, a duplicate of such written designation or revocation shall be filed with the New York State Commissioner of Transportation. The acts performed by such persons pursuant to such designations shall have the same effect in law as if performed by the Commissioner of Public Works.~~

~~§ C 11.03. Airport.~~

~~The Airport Division shall be under the direction of an Airport Manager who shall be appointed by the Commissioner of Public Works. The Airport Manager shall be directly responsible to the Commissioner of Public Works for implementation of policies established by the Tompkins County Legislature. The Airport Manager is responsible for the safe and efficient operations of the County's air carrier airport and its associated facilities.~~

~~The Airport Manager is responsible for making decisions involving federal aviation regulations and general aviation operations and safety practices.~~

~~The Airport Manager shall have the power to appoint all Airport Division assistants and employees as shall be authorized by the Tompkins County Legislature. The Airport Manager may, within the~~

~~appropriations provided therefor, and with the approval of the appropriate committee of the County Legislature, employ such special engineering or technical consultants and incur such expenses as may be necessary for the performance of any of the duties related to airport operations set forth in this Charter, or in applicable law, except that professional fees or other compensation shall not exceed amounts approved by the Tompkins County Legislature.~~

~~The Airport Manager is responsible for supervision of the airport employees and airport contractors to ensure compliance with all applicable regulations and laws. The airport operation is an enterprise activity and the Airport Manager is responsible for all business operations of the airport.~~

#### ~~§ C-11.04. Facilities.~~

~~The Facilities Division shall be under the direction of a Facilities Manager who shall be appointed by the Commissioner of Public Works. The Facilities Manager shall be directly responsible to the Commissioner of Public Works for implementation of policies established by the Tompkins County Legislature.~~

~~The Facilities Manager is responsible for the maintenance and operational management of all County-owned buildings and properties. The Facilities Manager shall have the power to appoint all Facilities Division assistants and employees as shall be authorized by the Tompkins County Legislature. The Facilities Manager may, within the appropriations provided therefor, and with the approval of the appropriate committee of the County Legislature, employ such special engineering or technical consultants and incur such expenses as may be necessary for the performance of any of the duties related to facilities set forth in this Charter, or in applicable law, except that professional fees or other compensation shall not exceed amounts approved by the Tompkins County Legislature.~~

~~The Facilities Manager shall provide overall management of technical, operational, and administrative staff necessary to operate the Facilities Division.~~

~~The Facilities Manager is responsible for providing engineering advice on all matters related to County facilities. The Facilities Manager is responsible for the planning, development, and implementation of the County capital program as related to the construction, alteration, demolition, and repair of all buildings, and other related County facilities. The Facilities Manager is responsible for providing assistance to all other County departments in the preparation and development of information for their respective capital program requests. The Facilities Manager directs the development of designs for buildings and other related facilities.~~

~~The Facilities Manager, at the direction of the County Administrator or the appropriate committee of the County Legislature, shall provide engineering, and related engineering services, including preparation of plans and specifications for the County, and supervise the design and construction of all capital facilities projects when any of such capital projects are designed and constructed by the County government or by any other governmental unit or private contractor under contract to the County government, or any combination of the same.~~

~~The Facilities Manager is responsible for the maintenance of County engineering records related to facilities.~~

#### ~~§ C-11.05. Highway.~~

~~The Highway Division shall be under the direction of a Highway Manager who shall be appointed by the Commissioner of Public Works. The Highway Manager shall be directly responsible to the Commissioner~~

~~of Public Works for implementation of policies established by the Tompkins County Legislature. The Highway Manager is responsible for highways and bridges under the County's jurisdiction.~~

~~The Highway Manager shall have the power to appoint all Highway Division assistants and employees as shall be authorized by the Tompkins County Legislature. The Highway Manager shall have the power to perform the duties now or hereafter conferred or imposed by law upon a County Superintendent of Highways.~~

~~The Highway Manager may, within the appropriations provided therefor, and with the approval of the appropriate committee of the County Legislature, employ such special engineering or technical consultants and incur such expenses as may be necessary for the performance of any of the duties related to highways and bridges set forth in this Charter, or in applicable law, except that professional fees or other compensation shall not exceed amounts approved by the Tompkins County Legislature. The Highway Manager may contract, subject to the approval of the Tompkins County Legislature, with any public corporation, public authority, governmental unit or any combination of the same for highway and bridge services.~~

~~The Highway Manager is responsible for the pavement management of the County's highway network, including reconstruction, rehabilitation, preventative and routine maintenance. The Highway Manager is responsible for the construction, maintenance, and operation of all bridges under the jurisdiction of the County. The Highway Manager is responsible for the planning, development, and implementation of the County capital highway and bridge program as related to the construction, alteration, demolition, and repair of highways, and bridges. The Highway Manager directs the development of designs for highways, bridges, and other related facilities.~~

~~The Highway Manager is responsible for the management of the technical staff and supervision of the retention and maintenance of highway engineering records.~~

~~The Highway Manager, at the direction of the County Administrator, or the appropriate committee of the County Legislature, shall provide engineering, surveying, and related engineering services, including preparation of plans and specifications for County highways and bridges, and supervise the design and construction of capital highway and bridge projects when any of such capital projects are designed and constructed by the County government or by any other governmental unit or private contractor under contract to the County government, or any combination of the same.~~

~~The Highway Manager is responsible for authorizing the rental, with or without operator, of Highway machinery, tools, and equipment of any public corporation, public authority, or any combination of the same as provided by Article 31 of the Charter upon such terms as may be agreed upon. All sums obtained pursuant to any terms agreed upon shall be deposited in the appropriate department fund.~~

~~The Highway Manager may authorize the rental of machinery from any person, company, public or private corporation, public authority or any combination of the same as provided by Article 31 of the Charter, and such rental shall be payable from the appropriate fund.~~

~~The Highway Manager may contract, subject to the approval of the Tompkins County Legislature, with any public corporation, public authority, governmental unit or any combination of the same for services pursuant to Article 31 of the Charter.~~

§ C 11.06. Solid waste.

~~The Solid Waste Division shall be under the direction of a Solid Waste Manager who shall be appointed by the Commissioner of Public Works. The Solid Waste Manager shall be directly responsible to the Commissioner of Public Works for implementation of policies established by the Tompkins County Legislature. The Solid Waste Manager is responsible for the planning, organizing, and coordinating the overall management of solid waste for the County. Some examples of solid waste programs include recycling, recycling collection, re-use, reduction, household hazardous waste, old landfills, and disposal.~~

~~The Solid Waste Manager shall have the power to appoint all Solid Waste Division assistants and employees as shall be authorized by the Tompkins County Legislature. The Solid Waste Manager may, within the appropriations provided therefor, and with the approval of the appropriate committee of the Tompkins County Legislature, employ such special engineering or technical consultants and incur such expenses as may be necessary for the performance of any of the duties related to solid waste programs set forth in this Charter, or in applicable law, except that professional fees or other compensation shall not exceed amounts approved by the Tompkins County Legislature.~~

~~The Solid Waste Manager shall be responsible for the disposition of recyclables, garbage, and other waste matter for the County.~~

~~The Solid Waste Manager carries responsibility for the efficient and economic utilization of staff, material, and equipment in the disposal, recycling, re-use, transport, and handling of solid waste in compliance with all federal, state, and local regulations. The solid waste operation is an enterprise activity and the Solid Waste Manager is responsible for all business operations at the solid waste facilities.~~

~~The Solid Waste Manager is responsible for establishing and monitoring health, environmental, and fiscal standards for solid waste management. The Solid Waste Manager is responsible for the management and supervision of the solid waste staff and all related contractors.~~

~~The Solid Waste Manager is responsible for solid waste studies and analysis for recommendation to the Tompkins County Legislature and others.~~

## **Article 15. Department of Social Services**

### **§ C-15.00. Social Services District; Department of Social Services; Commissioner; appointment; qualifications; term.**

The County of Tompkins shall be a Social Services District as defined in the Social Services Law. There shall be a Department of Social Services headed by a Commissioner of Social Services, who shall be appointed by the County Administrator, subject to confirmation by the Tompkins County Legislature **and the appropriate State Agency**. The Commissioner shall meet qualifications as prescribed by the local Civil Service Office. The Commissioner shall serve a five-year term, and shall be directly responsible to the County Administrator for the implementation of policies established by the Tompkins County Legislature.

### **§ C-15.01. Commissioner of Social Services; powers and duties.**

The Commissioner of Social Services shall have the power to appoint such Deputy Commissioners, assistants, attorneys, and other employees as may be necessary to perform the duties of the office of Commissioner of Social Services and as shall be authorized by the Tompkins County Legislature. Such Deputy Commissioners, assistants, and employees shall meet the qualifications prescribed by the Social Services Law and the Commissioner of Social Services of the State of New York. All Deputy Commissioners, assistants, attorneys, and other employees shall be directly responsible to the

Commissioner of Social Services, except where otherwise provided by this Charter or applicable law. In the case of attorneys, they shall be hired by the Commissioner in consultation with the County Attorney. Except as otherwise provided in this Charter, the Commissioner of Social Services shall have all the powers and perform all the duties now or hereafter conferred or imposed by law upon a County Commissioner of Social Services, and perform such other and related duties as may be required by the Tompkins County Legislature. The powers and duties of the Commissioner of Social Services shall be to:

- (a) Administer social-welfare services and programs for qualified needy persons throughout the County;
- (b) Represent the Department of Social Services in the maintenance of all contracts or communications with public or private agencies regarding aid to qualified needy persons throughout the County;
- (c) Publish and otherwise disseminate such information regarding administrative procedures and practices affecting the public as shall facilitate the Department's response to the needs of the community;
- (d) Investigate suspected fraudulent applications for, and the receipt of, assistance, and refer cases where appropriate to the District Attorney for prosecution;
- (e) Manage such facilities as shall be operated for the purpose of providing assistance, except as otherwise specifically assigned in this Charter or by applicable law;
- (f) Maintain such financial and other records and submit such reports to the County Administrator and otherwise as may be provided by law or applicable rule or regulation regarding services rendered by the Department.

## **Article 16. Department of Mental Health Services**

### **§ C-16.00. Department of Mental Health Services; Commissioner; appointment; qualifications.**

There shall be a Department of Mental Health Services headed by a Commissioner of Mental Health Services who shall be appointed by the County Administrator, ~~upon~~ **following consultation with** the ~~recommendation of the~~ Community Mental Health Services Board, subject to confirmation by the Tompkins County Legislature, ~~the Community Mental Health Services Board,~~ and the State Commissioners of Mental Health, **Developmental Disabilities, Mental Retardation,** and Substance Abuse. The Commissioner shall be directly responsible to the Community Mental Health Services Board for the implementation of policies established by ~~the said~~ Legislature as provided in § C-16.02 of this Charter, and directly responsible to the County Administrator for the implementation of financial, personnel, and administrative policies established by the Tompkins County Legislature. The Commissioner of Mental Health Services shall meet qualifications as prescribed by the **Mental Health Hygiene Law and** local Civil Service Office.

### **§ C-16.01. Commissioner of Mental Health Services; powers and duties.**

The Commissioner of Mental Health Services shall have the power to appoint such Deputy Commissioners of Mental Health Services, Medical Directors, assistants, and employees of the Department as shall be authorized by the Tompkins County Legislature. Such persons shall meet the qualifications fixed by the Mental Hygiene Law and the State Department of Mental Hygiene. All Deputy Commissioners of Mental Health Services, assistants, and employees of the Department shall be directly responsible to the Commissioner. The Commissioner of Mental Health Services shall have all the powers

and perform all the duties now or hereafter conferred or imposed by law upon a Director of Community Mental Health Services. The Commissioner serves as chief executive officer of the Local Government Unit and Community Mental Health Center as defined in Mental Hygiene Law. The term "Commissioner of Community Mental Health Services" as used in this Charter shall have the same meaning as the term "Director of Community Services" as defined in the Mental Hygiene Law. In addition, the Commissioner shall:

- (a) Plan for the development and maintenance of programs for the prevention, rehabilitation, and treatment of mental health, ~~mental retardation and~~ developmental disabilities, and alcohol and substance abuse within the County pursuant to administrative orders of funding authorities having the effect of law;
- (b) Initiate, investigate, and process for consideration and approval by the Community Mental Health Services Board, and approval by the Tompkins County Legislature where applicable or required, contracts for service to be rendered by other units of government or private organizations, and contracts for services by the Department or other jurisdictions and, when such contracts are approved, monitor compliance therewith and report back to the Community Mental Health Services Board;
- (c) Make recommendations to the Community Mental Health Services Board on the availability and suitability of sources of funding for mental health facilities or services;
- (d) With the approval of the Community Mental Health Services Board, the Tompkins County Legislature, and the appropriate State Commissioner, establish and collect fees from a patient or a person or private or public agency responsible for his/her care for services rendered to such patient. Fees so collected shall be paid to the chief fiscal officer of the County at such times and in such manner as shall be required by said fiscal officer;
- (e) Provide the Community Mental Health Services Board with such staff services as it may require in the performance of its duties within appropriations therefor;
- (f) Perform such other and related duties as may be required by the Tompkins County Legislature and/or the Community Mental Health Services Board as provided in § C-16.02 of this Charter.

**§ C-16.02. Community Mental Health Services Board; composition; appointment; term; powers and duties.**

There shall be a Community Mental Health Services Board, consisting of 15 members appointed by the Tompkins County Legislature for four-year terms. Members may serve any number of consecutive terms. Whenever practicable at least one member shall be a licensed physician and one member shall be a certified psychologist; ~~if a psychologist is not available then~~ ~~and otherwise~~ at least two members shall be licensed physicians, such members to have demonstrated an interest in the field of services for the mentally disabled. The other members shall represent the community interest in all the problems of the mentally disabled and shall include representatives from community agencies for the mentally ill, the ~~mentally retarded and~~ developmentally disabled, and those suffering from alcoholism and substance abuse. The Mental Health Services Board shall have such subcommittees as defined in Mental Hygiene Law.

The Community Mental Health Services Board shall have the authority to draft bylaws for approval by the Tompkins County Legislature, elect officers from its membership, and establish committees. Updated copies of bylaws must be kept on file in the office of the Clerk of the Tompkins County Legislature. The Board shall meet regularly, at least quarterly, at the call of its chairperson.

The Community Mental Health Services Board shall have the following powers and duties:

- (a) Review services and local facilities for the mentally disabled of the area that it serves and their relationship to local need;
- (b) Determine needs of the mentally disabled of such area;
- (c) Encourage programs of prevention, diagnosis, care, treatment, social and vocational rehabilitation, special education and training, consultation, and public education on mental disabilities;
- (d) Develop the program of local services for the area it serves, establish long-range goals of the local government in its programs for the mentally disabled, and develop intermediate-range plans and forecasts, listing priorities and estimated costs;
- (e) Direct and administer the development of local comprehensive plans for mental health, **developmental disabilities, mental retardation,** and substance abuse for mentally disabled residents of the area. Copies of this plan shall be transmitted to the Tompkins County Legislature and the County Administrator or as required by the New York State Department of Mental Hygiene regulations;
- (f) Seek to assure that the needs of all population groups in the areas of mental health, **mental retardation and** developmental disabilities, and alcohol and substance abuse are adequately met, sufficient services are available for all the mentally disabled within its purview, that there is coordination and cooperation among local providers of services, that the local program is also integrated and coordinated with the programs of the State Department **of Mental Hygiene,** and that there is continuity of care among all providers of services;
- (g) Have the power, with the approval of the Tompkins County Legislature where applicable and required, to enter into contracts for the provision of services;
- (h) Submit annually to the State Department of Mental Hygiene for its approval and subsequent state aid, a report of long-range goals and specific intermediate-range plans as modified since the preceding report, along with a local-services plan **or (also call "unified services plan")** for the next local fiscal year;
- (i) Establish procedures for execution of the local-services plan **or the unified services plan;**
- (j) Make policy for **administer,** and exercise general supervisory authority over **or administer** local services and facilities provided or supervised by it, whether directly or through agreements;
- (k) Monitor the effectiveness of the services provided by other facilities of local government and by voluntary and private facilities which have been incorporated into its comprehensive program;
- (l) Further programs for special**ized** education and training;
- (m) Have the power to conduct or contract for such research as may be useful **in for the discharging** **of** its administrative duties and for the promotion of scientific knowledge **about of** mental disabilities;
- (n) Serve as a center for the promotion of community and public understanding of mental disabilities and of the services necessary for their care and treatment;

- (o) Seek the cooperation of, and cooperate with, other public health and social services agencies, public and private, in advancing the program of local or unified services;
- (p) Review and make recommendations on the budget of the Department of Mental Health Services to the Tompkins County Legislature and the Department;
- (q) Operate within the financial, personnel, and administrative County policies as established by the Tompkins County Legislature.

## **Article 17. Board of Elections**

### **§ C-17.00. Board of Elections; appointment; term; qualifications.**

There shall be a Board of Elections consisting of two Commissioners. The Commissioners shall represent the major political parties in accordance with State Election Law and shall be appointed by the Tompkins County Legislature in the manner and for the terms provided by State Election Law. At the time of their appointment and throughout their terms of office, the Commissioners shall be qualified electors of the County and enrolled members of the parties recommending their respective appointments.

### **§ C-17.01. Board of Elections; powers and duties.**

The Board of Elections shall administer federal, state, County, city, and town elections within the County and those elections that any other municipality may lawfully **impose confer** upon the Legislature. The Board of Elections shall have all the powers and perform all the duties conferred or imposed by law upon the boards of elections of New York State.

### **§ C-17.02. Board of Elections; deputies, clerks, and staff.**

The Board of Elections shall appoint and at its pleasure remove clerks, voting-machine technicians, custodians and other employees, fix their number, prescribe their duties, fix their titles and rank, and establish their salaries within the amounts appropriated therefor by the Tompkins County Legislature. **In making these appointments, and shall secure in the appointment of employees of the Board of Elections shall ensure** equal representation of the major political parties. Each Commissioner may appoint and at pleasure remove a deputy, establish his or her title, and prescribe his or her duties in accordance with County policy and/or Civil Service Law.

## **Article 18. Department of Weights and Measures**

### **§ C-18.00. Director of Weights and Measures; appointment; qualifications.**

There shall be a Director of Weights and Measures who shall be appointed by the County Administrator, subject to confirmation by the Tompkins County Legislature. The Director shall be directly responsible to the County Administrator for the implementation of policies established by the Tompkins County Legislature. The Director shall meet qualifications as prescribed by the local Civil Service Office and approved by the Tompkins County Legislature.

### **§ C-18.01. Director of Weights and Measures; powers and duties.**

The Director of Weights and Measures shall have the power to appoint such deputies, assistants, and employees of the Department as may be necessary to perform the duties of the office of Director and as shall be authorized by the Tompkins County Legislature. Except as otherwise provided in this Charter, the

Director of Weights and Measures shall have all the powers and perform all the duties now or hereafter conferred or imposed by law upon a Director of Weights and Measures. The powers and duties of the Director shall be to:

- (a) Inspect, test, and ascertain, as frequently as prescribed by the State Commissioner of Agriculture and Markets, if weights and measures, weighing and measuring devices and systems, and accessories related thereto that are used commercially by any person, firm, or corporation, are correct and being used correctly;
- (b) Weigh, measure, and inspect packaged commodities kept, offered, or exposed for sale, sold, or in the process of delivery, to determine whether such packages contain the amounts represented and whether they are kept, offered, or exposed for sale in accordance with state **and local laws**;
- (c) Exercise all the powers and duties as authorized by law of the office of Director of Weights and Measures; have access to all places of business, buildings, or premises; and stop any vendor or dealer whatsoever for the purpose of making proper inspections and tests.

The Director shall also perform such other and related duties as may be required by the Tompkins County Legislature, provided such duties deal primarily with services designed to aid and protect the consumer.

## **Article 19. Sheriff**

### **§ C-19.00. Sheriff; election; term; qualifications.**

There shall be elected from the County at large a Sheriff, whose term of office shall begin the first day of January next following election to the position and shall be for four years as permitted by state legislation. At the time of nomination and election, and throughout the term of office, the Sheriff shall be and remain a qualified elector of the County.

### **§ C-19.01. Sheriff; powers and duties.**

The Sheriff shall be the chief peace and law enforcement officer for and have civil and criminal jurisdiction throughout the County. As such, and except as may otherwise be provided in this Charter or applicable law, the Sheriff shall:

- (a) Organize and maintain a trained and operational law enforcement staff to protect and otherwise serve the needs of the County and cooperate with other law enforcement agencies within and outside the County in furtherance thereof;
- (b) Be responsible for the operation and security of the County jail, the receipt, custody, and activities of all jail inmates, and all programs respecting said inmates;
- (c) Report in writing to the District Attorney not less than weekly the identities of all inmates within the County jail, whether sentenced or unsentenced, the nature of charges pending against all untried or unsentenced inmates and the dates of their original confinement, and the anticipated dates of release of all sentenced inmates;
- (d) Exercise civil jurisdiction throughout the County respecting the service of process and other legal papers and documents, the execution of judgments, and the enforcement of court orders;

(e) Acquire, maintain and utilize within authorized appropriations and County procedures such equipment, materials and supplies as may be necessary or appropriate in the performance of the duties of the office;

(f) Have all the powers and perform all the duties, both criminal and civil, now or hereafter conferred or imposed by law upon sheriffs, and perform such other and related **non-conflicting** duties as may be required by the Tompkins County Legislature.

#### **§ C-19.02. Deputy Sheriffs and staff.**

The Sheriff shall have the power to appoint an Undersheriff and such Deputy Sheriffs, assistants, and employees of the office as shall be necessary to perform the duties of the office of County Sheriff and as shall be authorized by the Tompkins County Legislature. All Deputy Sheriffs, assistants, and employees shall be directly responsible to the Sheriff.

(a) Each appointment by the Sheriff of persons to the staff shall be in writing, filed, and recorded in the office of the County Clerk (except in the case of civilian employees) and reported to the Office of **Human Resources Personnel**. Before the appointment by the Sheriff of any person, however, other than a person deputized to do particular acts, the Sheriff shall require such person to submit to the Sheriff fingerprints of both hands. It shall be the duty of the Sheriff to compare, or cause to be compared, such fingerprints with fingerprints filed with the Bureau of Identification and Information Services of the State Division of Criminal Justice Services or other appropriate state agency;

(b) The Sheriff shall operate the County jail in accordance with standards **promulgated** by the New York State Commission of Corrections. A female employee shall at all times be in attendance when females are contained in the jail;

(c) The Sheriff may deputize the peace **or police** officers of the city, towns, villages, **higher educational facilities**, and special districts, for the purpose of authorizing an arrest without a warrant outside the territorial limits in the presence of such peace **or police** officer. Such peace **or police** officer shall not, however, be deemed an officer, agent, servant, or employee of the County;

(d) For the protection of human life and property during an emergency, the Sheriff may deputize orally or in writing such number of additional special deputies as the Sheriff deems necessary, taking into consideration the Civil Service Law and relevant bargaining unit agreements.

#### **§ C-19.03. Jail Physician.**

There shall be a Jail Physician(s) appointed by the Sheriff in consultation with the Public Health Director. The Jail Physician(s) shall be directly responsible to the Sheriff for the health of the inmates of the County Jail. The County Medical Director shall conduct quarterly quality assessments of random inmate medical files and the results of **the each** assessment shall be reported to the Public Health Director, Sheriff, and **Chief Captain of** Corrections Officer. At the time of appointment and throughout the term of office, the Jail Physician(s) shall be and remain duly licensed to practice medicine in the State of New York.

#### **§ C-19.04. Salary of Sheriff; fees; disposition of fees collected.**

##### **Salary**

(a) The salary of the Sheriff shall be fixed by the Tompkins County Legislature and shall be in lieu of all fees or other compensation.

### **Fees**

(b) All fees that shall be charged and collected by virtue of law from any person in civil matters or otherwise shall apply to or be for the benefit of the County and shall be collected and accounted for by the Sheriff and paid over to the County Director of Finance without deduction or delay at such times and under such conditions as the latter may prescribe. On or before the tenth day of each month, the Sheriff shall make, certify, and deliver to the County Director of Finance a full and true statement for the **previous** month of all such moneys received each day by the Sheriff or the employees of the Department in their official capacity. Such statement shall be in the form the County Director of Finance shall prescribe.

## **Article 20. District Attorney**

### **§ C-20.00. District Attorney; election; term; qualifications.**

There shall be elected from the County at large a District Attorney, whose term of office shall begin with the first day of January next following election to the position and shall be for four years. At the time of nomination and election, and throughout the term of office, the District Attorney shall be and remain a qualified elector of the County and shall be and remain duly licensed and entitled to practice law in the State of New York.

### **§ C-20.01. District Attorney; powers and duties.**

The District Attorney shall have the power to appoint such Deputy District Attorneys, assistants, investigators, and employees of the office as shall be necessary to perform the duties of the office of District Attorney and as shall be authorized by the Tompkins County Legislature. At the times of their appointment, and throughout their employment as such, all Deputy District Attorneys shall be and remain duly licensed and entitled to practice law in the State of New York. All Deputy District Attorneys, assistants, investigators, and employees shall be directly responsible to the District Attorney.

Except as may otherwise be provided in this Charter, the District Attorney shall have all the powers and perform all the duties now or hereafter conferred or imposed by law upon district attorneys, and perform such other and related non-conflicting duties as may be required by the Tompkins County Legislature.

The powers and duties of the District Attorney shall be to:

- (a) Conduct all prosecutions for crimes and offenses cognizable by the courts of the County. **Violations of County local laws or ordinances may be delegated to corporation counsel or town or village attorneys;**
- (b) Within 30 days after the receipt of any fine, penalty, recovery upon any recognizance or other money belonging to the County, the District Attorney shall pay the same to the County Director of Finance;
- (c) Bring actions upon any forfeited recognizance taken in the County in any criminal action or proceeding unless otherwise directed by the Court;
- (d) Maintain a written record of all indictments pending in the courts of the County;

(e) At the opening of the first term of County Court held in each year, present to the Court a verified statement of all actions brought upon forfeited recognizance, penalties, or forfeitures, the judgments entered thereon and those collected;

(f) Keep and preserve all records related to the functioning of the office or the performance of the duties of District Attorney. No such record, book, or paper shall be destroyed or otherwise disposed of, except pursuant to law.

**§ C-20.02. Deputy or Assistant District Attorneys; oath; filing.**

Every appointment of a Deputy or Assistant District Attorney by the District Attorney shall be in writing, filed, and recorded in the office of the County Clerk. The person or persons so appointed shall take the prescribed oath of office and furnish any required official undertaking. Any such appointment may be revoked by the District Attorney at any time by filing a written revocation in the office of the County Clerk.

**§ C-20.03. Waiver of filing fees.**

Unless otherwise required by law, no officer, unit or court of, or within, the County shall require from the District Attorney any filing or recording fee or other charge pertaining to, or in connection with, the work of that Department.

**Article 21. County Clerk**

**§ C-21.00. County Clerk; election; term; qualifications.**

There shall be elected from the County at large a County Clerk, whose term of office shall begin with the first day of January next following election to the position and shall be for four years ~~as when~~ permitted by state legislation. At the time of nomination and election, and throughout the term of office, the County Clerk shall be and remain a qualified elector of the County.

**§ C-21.01. County Clerk; powers and duties.**

The County Clerk shall have the power to appoint such Deputy County Clerks, assistants, and employees of the office as may be necessary to perform the duties of the office of County Clerk and as shall be authorized by the Tompkins County Legislature. All Deputy County Clerks, assistants, and employees shall be directly responsible to the County Clerk.

The County Clerk shall be the official registrar of the County, and except as otherwise provided in this Charter, shall have all the powers and perform all the duties now or hereafter conferred or imposed by law upon county clerks, and perform such other and related **non-conflicting** duties as may be required by the Tompkins County Legislature.

The County Clerk shall provide at the expense of the County all books, files, and other necessary equipment for the filing, recording, and depositing of documents, maps, papers in actions, and special proceedings of both civil and criminal nature, judgment and lien dockets, and books for the indexing of the same as directed or authorized by law.

The County Clerk, pursuant to the Vehicle and Traffic Law, shall maintain an office of motor vehicles.

**The County Clerk shall designate a person or persons who, in addition to other assigned duties, shall receive all conveyances of title for recording. Said person or persons shall have the primary responsibility for the determination that all additional forms required by law have been completed.**

**§ C-21.02. Accounting for fees.**

**(a)** Except as may otherwise be required by law, all moneys to which the County Clerk may be entitled under and by virtue of the laws of the State of New York, or that the County Clerk may receive for services rendered by the Clerk or the Clerk's office shall apply to or be for the benefit of the County and shall be collected and accounted for by the Clerk and paid over to the County Finance Director without deduction at such time and on such conditions as the latter may prescribe.

**(b)** Within 10 days after the expiration of each month, the County Clerk shall make, certify, and deliver to the County Finance Director a full and true statement for that month of all such moneys received each day by the Clerk or the Clerk's employees in their official capacities. Such statement shall be in the form the County Finance Director shall prescribe. At the time of rendering any such statement, the County Clerk shall pay to the County **Administrator Finance Director** for benefit of the County the whole amount or the balance of all such moneys received by the Clerk since the last preceding monthly report.

**(c)** Other funds or fees collected by the County Clerk shall be collected, paid over, deposited, and reported in accordance with the law applicable thereto.

**§ C-21.03. County Clerk; records management responsibility.**

It shall be the responsibility of the County Clerk to advise and assist the Tompkins County Legislature in all matters concerning the preservation, storage, reduction, reproduction, administration, and disposal of County records. **In furtherance of this, the County Clerk shall consult with the Director of Information Technology Services to meet records retention requirements.**

**§ C-21.04. Seal of the County Clerk.**

The Seal of the County of Tompkins shall be the Seal of the County Clerk, and the County Clerk shall affix or imprint such Seal upon any and all instruments requiring the same.

**Article 22. Department of Probation and Community Justice**

**§ C-22.00. Department of Probation and Community Justice; Director of Probation and Community Justice; appointment; qualifications.**

There shall be a Department of Probation and Community Justice headed by a Director of Probation and Community Justice, who shall be appointed by the County Administrator, subject to confirmation by the Tompkins County Legislature. The Director of Probation and Community Justice shall meet qualifications as prescribed by the local Civil Service Office in conjunction with the State **Office Division** of Probation and Correctional Alternatives. The Director of Probation and Community Justice shall be directly responsible to the County Administrator for the implementation of policies established by the Tompkins County Legislature.

**§ C-22.01. Director of Probation and Community Justice; powers and duties.**

Except as otherwise provided in this Charter, the Director of Probation and Community Justice shall have all the powers and perform all the duties now or hereafter conferred or imposed by law upon a Director of

Probation and Community Justice, together with such other and related duties as may be required by the Tompkins County Legislature.

The Director shall have the power to appoint such deputy directors, probation supervisors, officers, assistants, and employees of the Department as may be necessary to perform the duties of the Department of Probation and Community Justice and as authorized by the Tompkins County Legislature. All probation deputies, supervisors, officers, assistants, and employees of the Department shall be directly responsible to the Director.

The powers and duties of the Director of Probation and Community Justice shall be to supervise the implementation of the programs of the Department of Probation and Community Justice and to:

- (a) Be responsible for all pre-sentence and pre-dispositional investigations done in the County;
- (b) Supervise all persons placed on or sentenced to probation in the County and individuals transferred from other jurisdictions;
- (c) Provide pre-adjudicatory services (intake) and case reviews to determine eligibility for immediate adjustment, diversion programming, or referral to the appropriate Court, inclusive of a **Community Resource Team Designated Assessment Service** for PINS (**Persons In Need of Supervision**) youth and their families;
- (d) Collect all court-ordered fines or restitutions when requested by the courts and disburse those monies in accordance with legal requirements and acceptable accounting procedures;
- (e) Provide education to staff and clients about acquired immune deficiency syndrome, its prevention and the availability of services as provided by law;
- (f) Provide and/or oversee various Alternative-to-Incarceration programs, such as:
  - ~~(1) Criminal Court Diversion.~~
  - (1) **Intensive Greatest Risk** Supervision Program.
  - (2) Community Service Programs (**SWAP and RICS**).
  - (3) Pre-Trial Release and Release Under Supervision.
  - (4) Drug Court Treatment Programs.
  - (5) Specialized DWI Supervision, inclusive of the ignition interlock device.
  - (6) Electronic Monitoring.
  - (7) Day Reporting.
- (g) Provide and/or oversee various preventive programs **for youth**, such as:
  - ~~(1) Family Drug Treatment Court.~~
  - (1) Juvenile Intensive Supervision Program.
  - (2) Juvenile Accountability Community Service (**JACS**).
  - (3) ~~Designated Assessment Service~~ **Community Resource Team**.
  - (4) School **Based Diversion Services** Resource Program.
  - (5) ~~Domestic violence prevention~~ **Electronic Monitoring**.

## Article 23. Department of Emergency Response

### § C-23.00. Department of Emergency Response; Director; appointment; qualifications.

There shall be a Department of Emergency Response under the direction of a Director, who shall be appointed by the County Administrator, following consultation with the Fire, Disaster, and Emergency Medical Services (EMS) Advisory Board, subject to confirmation by the Tompkins County Legislature.

The Director shall be appointed on the basis of professional experience and other qualifications appropriate to the responsibilities of the office. The Director of the Department of Emergency Response shall be directly responsible to the County Administrator for the implementation of policies established by the Tompkins County Legislature.

**§ C-23.01. Director of the Department of Emergency Response; powers and duties.**

The Director of the Department of Emergency Response shall have the power to appoint such deputies, dispatchers, and employees as may be necessary to perform the duties of the office of Director of the Department of Emergency Response and as shall be authorized by the Tompkins County Legislature. All such deputies, dispatchers, and employees of the Department shall be directly responsible to the Director of the Department of Emergency Response.

Except as otherwise provided in this Charter, the Director of the Department of Emergency Response shall have all the powers and perform all the duties now or hereafter conferred or imposed by law upon a County Fire, Disaster, and Emergency Medical Services (EMS) Coordinator, together with such other and related duties as may be required by the Tompkins County Legislature.

The powers and duties of the Director of the Department of Emergency Response shall be to:

- (a) Administer the County programs for fire training and mutual aid in cases of fire and other emergencies in which the services of firefighters and EMS personnel would be used;
- (b) Act as a liaison officer between the Tompkins County Legislature, County Fire, Disaster, and Emergency Medical Services (EMS) Advisory Board, and the fire-fighting forces in the County and the officers and governing boards or bodies thereof;
- (c) Perform the functions of a County Civil Defense Director under the provisions of the State Executive Law, acting as the County's liaison officer between the Chief Executive Officer and all other elected public officers to **the State Office of Emergency Management Office (OEM SEMO)** and Federal Emergency Management Agency (FEMA);
- (d) Perform the functions of an Emergency Medical Services (EMS) Coordinator, pursuant to County law;
- (e) Manage the **planning**, acquisition, installation, maintenance, and oversight of all communications and personnel at the County Emergency Communications Center and in fire, EMS, **and** public safety vehicles **and in the vehicles of all public entities authorized to use the County's Communications Systems**;
- (f) Develop and maintain a Comprehensive Emergency Management Plan for Tompkins County;
- (g) Serve as a resource person to the public and various local organizations, explaining County operations of emergency public safety, fire safety, EMS, and related fields of knowledge;
- (h) Assist fire departments in training programs; assist all other public agencies in emergency management training;

(i) Assist in provision of oversight and coordination between New York State Department of Health, EMS Bureau, Regional EMS Council, Regional Emergency Medical Advisory Committee (REMAC), and personnel throughout the County who are providers of EMS at all levels.

**§ C-23.02. County Fire, Disaster, and Emergency Medical Services (EMS) Advisory Board; composition; appointment; term; powers and duties.**

There shall be a County Fire, Disaster, and Emergency Medical Services (EMS) Advisory Board, consisting of not ~~fewer~~ ~~less~~ than five and not more than 21 members, appointed by the Tompkins County Legislature for staggered three-year terms. ~~At least one member from each municipality shall be an active officer from a fire company or department within said municipality.~~

The powers and duties of the County Fire, Disaster, and EMS Advisory Board shall be to serve as an advisory body to the Tompkins County Legislature and to the Director of the Department of Emergency Response, performing the functions of the Fire, Disaster, and Emergency Medical Services (EMS) Coordinator.

The County Fire, Disaster, and EMS Advisory Board shall advise the Director of the Department of Emergency Response and the County Tompkins County Legislature regarding the County's participation in programs for fire training and mutual aid in cases of fire and other emergencies in which the services of firefighters would be used; ~~to shall~~ cooperate with the ~~Department of State,~~ New York State Office of Fire Prevention and Control, effectuating the purposes for which the office was established in relation to such programs for fire training and mutual aid; and ~~to shall~~ advise and recommend upon a coordinated, appropriate County-wide emergency communications system.

The County Fire, Disaster, and EMS Advisory Board shall have the authority to draft bylaws for approval by the Tompkins County Legislature, elect officers from its membership, and establish committees. Updated copies of bylaws must be kept on file in the office of the Clerk of the Tompkins County Legislature.

**Article 24. Department of Youth Services**

**§ C-24.00. Department of Youth Services; Director; appointment; qualifications.**

There shall be a Department of Youth Services headed by a Director, who shall be appointed by the County Administrator following consultation with the Youth Services Board, subject to confirmation by the Tompkins County Legislature. The Director shall be appointed on the basis of professional experience working with youth services, administrative ability, and other qualifications appropriate to the responsibilities of the office. The Director shall be directly responsible to the County Administrator for the implementation of policies established by the Tompkins County Legislature.

**§ C-24.01. Department of Youth Services Director; powers and duties.**

The Director of the Department of Youth Services shall have the power to appoint such deputies, assistants, and employees of the Department as may be necessary to perform the duties of the office of Director of the Department of Youth Services and as shall be authorized by the Tompkins County Legislature. All deputies, assistants, and employees of the department shall be directly responsible to the Director.

Except as otherwise provided in this Charter, the Director shall have all the powers and perform all the duties now or hereafter conferred or imposed by New York State Executive Law Article 19-A, § 420, Executive Law Article 19-H, and the regulations of the Office of Children and Family Services upon a "Youth Bureau Director and Runaway Coordinator," together with such other and related duties as may be required by the Tompkins County Legislature.

The powers and duties of the Youth Services Director shall be to:

- (a) Assist County municipalities and agencies in identifying and meeting needs of youth;
- (b) Assist in maintaining appropriate records in the County so that adequate information is available for youth program planning and evaluation;
- (c) Assist in coordinating youth-serving agencies;
- (d) Help develop and implement youth service plans to maximize the availability of services and the effective utilization of public and private funds within the County;
- (e) Help County municipalities and agencies apply for grants for youth programs and provide technical assistance as needed to assure effective implementation of youth services. Monitor and evaluate programs funded through the Department of Youth Services;
- (f) Manage the administrative activities of the Department of Youth Services.

**§ C-24.02. Youth Services Board; composition; term; powers and duties.**

There shall be a Youth Services Board appointed by the Tompkins County Legislature. The **composition of the** Youth Services Board shall consist of **not fewer than 10 and not more than 28 members and include representatives from municipalities and the youth-serving community.** ~~three from the City of Ithaca; one from each of the other 15 towns and villages of the County; and 10 at large seats of which at least two but no more than six shall be filled by youth with the rest representative of other areas of expertise, including, but not limited to: related County departments and/or educational agencies, law enforcement agencies, United Way, voluntary organizations, business organizations, or labor.~~ A non-voting liaison from the Tompkins County Legislature shall be appointed annually by the Tompkins County Legislature. Terms shall be as provided in the bylaws of the Tompkins County Youth Services Board. **Each Any** municipal representative shall be designated by the governing body of **said respective** municipality. Youth members and other at-large members shall be recommended by the Youth Services Board.

The Youth Services Board shall have the authority to draft bylaws for approval by the Tompkins County Legislature, elect officers from its membership, and establish committees. Updated copies of bylaws must be kept on file in the office of the Clerk of the Tompkins County Legislature.

The Youth Services Board shall be advisory to the Tompkins County Legislature and the Director, and shall have the following powers, duties, and responsibilities:

- (a) In consultation with the Youth Services Director, recommend effective programs for the prevention and control of delinquency and crimes by youth, for youth recreation, and to further youth development;

- (b) Act as a resource to municipal legislative bodies in the solution of youth problems and/or the enactment of youth programs;
- (c) Encourage closer cooperation among employers, labor, school, families, churches, recreation **and youth** commissions, state and local employment programs, service clubs, and other public and private agencies so as to encourage sound planning of youth programs reflective of our culturally diverse population;
- (d) Review and make recommendations to the Director and the Tompkins County Legislature on the Department's budget;
- (e) Exercise such other powers and perform such other duties as may now or hereafter be imposed by law or provided in the Official Compilation of the Codes, Rules and Regulations of the State of New York.

**§ C-24.03. Youth Services Board; Planning Committees; composition; powers and duties.**

The Youth Services Board shall appoint planning committees as needed to appropriately meet the diverse needs of children and youth. Required plans shall be prepared in compliance with local, state and/or federal regulations. Plans shall be submitted to the Tompkins County Legislature **for review** after review and approval by the Youth Services Board.

**Article 25. Office for the Aging**

**§ C-25.00. Office for the Aging; Director; appointment; qualifications.**

There shall be an Office for the Aging in Tompkins County, headed by a **full-time** Director, who shall be appointed by the County Administrator following consultation with the Office for the Aging Advisory Committee, subject to confirmation by the Tompkins County Legislature. The Director shall be appointed on the basis of professional experience working with services for the aging and other qualifications appropriate to the responsibilities of the office. The Director shall be directly responsible to the County Administrator for the implementation of policies established by the Tompkins County Legislature.

**§ C-25.01. Director; powers and duties.**

Except as otherwise provided in this Charter, the Director of the Office for the Aging shall have all the powers and perform all the duties now or hereafter conferred or imposed by law upon a Director of an Office for the Aging, together with such other and related duties as may be required by the Tompkins County Legislature.

The Director shall have the power to appoint such deputies, assistants, and employees of the department as may be necessary to perform the duties of the Office for the Aging and as shall be authorized by the Tompkins County Legislature. All deputies, assistants, and employees of the department shall be directly responsible to the Director.

The powers and duties of the Director shall be to:

- (a) Conduct research on the needs of **older adults the elderly** in the County and develop alternative means of meeting these needs;
- (b) **Stimulate Create**, plan, and review needed programs and services for **older adults the elderly**;

- (c) Serve as liaison with existing organizations serving the needs of the **older adults** elderly population of the County;
- (d) Recommend to and cooperate with federal, state, and local agencies in the development of public policy toward **older adults, the elderly and advocating on behalf of the older adult population as appropriate;**
- (e) Contract with existing agencies or such new ones as may be appropriate for new or increased services where federal, state, or local funding may be available;
- (f) Provide information **about** ~~relative to~~ programs and services for **older adults** ~~the elderly~~ in the community and sources of support for programs and services;
- (g) When and if indicated, undertake on an interim or continuing basis specific programs or services.

**§ C-25.02. Office for the Aging Advisory Committee; composition; term; powers and duties.**

There shall be an Advisory Committee of 15 members appointed by the Tompkins County Legislature, the composition of which shall be as mandated by federal regulations and as determined by the Tompkins County Legislature. The members of this Committee shall serve staggered three-year terms, thus permitting the Tompkins County Legislature to each year appoint 1/3 of the membership of the Committee. At least 50% of the membership of this Committee shall consist of persons 60 years or older and the remaining 50% shall be broadly representative of individuals and public and private agencies and organizations in the County concerned with the interests and needs of **older adults** ~~the elderly~~. In the event of the death or resignation of any member, the successor shall be appointed to serve for the unexpired period of the term for which such member had been appointed. The Tompkins County Legislature may appoint County officials to serve ex officio on the Committee. The Advisory Committee shall advise the Director of the Office for the Aging on all operations of the office.

The Advisory Committee shall have the authority to draft bylaws for approval by the Tompkins County Legislature, elect officers from its membership, and establish committees. Updated copies of bylaws must be kept on file in the office of the Clerk of the Tompkins County Legislature.

**Article 26. Office of Human Rights/Human Rights Commission**

**§ C-26.00. Office of Human Rights; Director, Human Rights; appointment; qualifications; powers and duties.**

There shall be ~~an Office a Director~~ of Human Rights (**"Office"**) **headed by a Director of Human Rights ("Director")** appointed by the County Administrator, following consultation with the **Tompkins County Board of Human Rights Commissioners ("Commission")**, and subject to confirmation by the Tompkins County Legislature. The Director shall be appointed on the basis of professional experience and other qualifications appropriate to the responsibilities of the office. The Director shall be directly responsible to the County Administrator for the implementation of policies established by the Tompkins County Legislature.

The Director **of Human Rights** shall have the power to appoint such deputies, assistants, and employees of the department as may be necessary to perform the duties of the Office **of the Director of Human Rights** and as shall be authorized by the Tompkins County Legislature. All deputies, assistants, and employees of the department shall be directly responsible to the Director.

**§ C-26.01. ~~Director Office of Human Rights Commission; organization;~~ powers and duties.**

The powers and duties of the Director ~~of Human Rights~~ shall be to:

- (a) Handle all inquiries from employers, employees, landlords, tenants, individuals, and organizations regarding interpretation of **local, state, and federal human rights law** ~~the Human Rights Law~~ or other problems involving the **human** rights of individuals;
- (b) Investigate complaints and allegations in an attempt to conciliate problems on a local level;
- (c) Refer cases to other organizations where deemed appropriate;
- (d) **Directly oversee the filing of File** formal complaints with ~~the State Division of Human Rights~~ **and** appropriate **state and** federal agencies dealing with **discrimination in** employment, housing, education, credit, **and** public accommodation, **and volunteer fire departments;**
- (e) Speak on behalf of the ~~Office Human Rights Commission~~ to various local, **and** state, **and federal** organizations to implement the educational function of the ~~Office and the Human Rights Commission~~ within the community

**(g) On or before March 1<sup>st</sup> of each year the Director shall make an annual report to the County Legislature for the immediately preceding calendar year covering generally the work of the Department. The Director shall make such other reports at such times as may be required by the County Legislature, the County Administrator, or any applicable law. Copies of all reports shall be filed with the Clerk of the Legislature.**

**(f) Submit regular reports to the County Administrator and the Commission outlining the work of the Office. The report will include a summary of the Office's enforcement and outreach activities, trends or important issues, and any other information deemed important by the Director. All case information shall be without names of involved parties or any other identifiable characteristic.**

Except as otherwise provided in this Charter, the ~~Office Human Rights Commission~~ shall have all the powers and perform all the duties now or hereafter conferred or imposed by **applicable** law upon **it a Human Rights Commission**.

The powers and duties of the ~~Office Human Rights Commission~~ shall be to:

- (a) Foster mutual respect and understanding among diverse groups such as, but not limited to, those characterized by race, religion, nationality, and sexual orientation in the community;
- (b) Make such studies in any field of human relationship in the community as in the judgment of the **Office Commission** will aid in effectuating its general purpose;
- (c) Inquire into incidents of tension and conflict among or between various diverse groups such as, but not limited to, those characterized by race, religion, nationality, and sexual orientation and **make recommendations or** take such action as may be designed to alleviate such tensions and conflict;
- (d) Conduct and recommend such educational programs as, in the judgment of the **Office Commission**, will increase goodwill among inhabitants of the community and open new opportunities into all phases of community life for all inhabitants;

(e) Receive and investigate complaints of alleged discrimination because of race, creed, color, sex, age, national origin, marital status, disability, prior arrest or conviction, retaliation, sexual orientation/~~preference~~, **gender identity/expression, military status, familial status, genetic predisposition, domestic violence victim status**, and any other criterion as defined in federal, state, or local law; seek the active assistance of ~~state the State Division for Human Rights~~ and federal agencies in the solution of complaints that fall within their jurisdictions and prepare its own plans in the case of other complaints with a view to reducing and eliminating such alleged discrimination through the processes of conference, conciliation, and persuasion;

(f) Issue **human-rights related** publications and reports **of investigations** to carry out the purposes of this Article;

(g) Enlist the cooperation and participation of the various racial, religious and nationality groups, community organizations, industry and labor organizations, media and mass communication, fraternal and benevolent associations, and other groups in an educational campaign devoted to fostering among the diverse groups of the community mutual respect and regard for justice and equality.

**§ C-26.02. ~~Board of Human Rights Commissioners~~; composition; appointment; term.**

~~The Commission There~~ shall be **composed a Board of Human Rights Commissioners consisting of fifteen** (15) members. **Each of these shall be** appointed by the Tompkins County Legislature for **a** terms of three (3) years **and may be reappointed. The membership should consist of individuals who possess demonstrated experience and knowledge in the promotion and protection of civil and human rights, and elimination of unlawful discrimination. Members shall be residents of Tompkins County.** In making appointments to the Board of Human Rights Commissioners, the Tompkins County Legislature shall take into consideration various factors — religious, racial, nationality, political, sexual orientation, and economic — in an effort to make the Board of Human Rights Commissioners representative of Tompkins County.

In consultation with the Director of Human Rights, the Board of Human Rights Commissioners shall have the authority to draft bylaws for approval by the Tompkins County Legislature, elect officers from its membership and establish committees. Updated copies of bylaws must be kept on file in the office of the Clerk of the Tompkins County Legislature.

**§ C-26.03. ~~Board of Human Rights Commissioners~~; roles and responsibilities.**

~~Article 12-D of the The roles and responsibilities of the Commissioners under the State~~ General Municipal Law, Article 26 of the Tompkins County Charter **and Code, Local Law No. 1 of 1979 as amended**, and Board of Supervisors Resolution No. 290 of December 23, 1963, **provide both state and County enabling legislation for the Commission.**

**The Commission shall:**

**(a) Foster understanding and respect among all person in Tompkins County;**

**(b) Encourage equality; discourage discrimination; and**

**(c) Serve as an advisory board to the Office and to the Tompkins County Legislature.**

**The roles and responsibilities of the Commission and/or the Commissioners, under the aforementioned legislation** are as follows:

- (a) To make such studies in any field of human relationships in the community **that as** in the judgment of the Commission will aid in effectuating its general purpose;
- (b) **To** receive and refer complaints of alleged discrimination **to the Office.** ~~As an individual Commissioner, to function as a representative, associated directly with a segment of the community or group and to be conversant with a body of work identified with that area or group, e.g., labor rights, criminal justice, victims rights, group enfranchisement, etc. Each Commissioner will serve a liaison function to an area specialty and is expected to become increasingly more knowledgeable about other groups and other areas of work beyond his/her area of familiarity;~~
- (c) **To conduct and recommend such educational programs, that in the judgment of the Commission, will increase goodwill in the community and encourage opportunities for involvement in all phases of community life for everyone;** ~~In concurrence with the Director of Human Rights, inquire into incidents of tension and conflict and take such action as may be designed to alleviate such tensions and conflict; whenever appropriate to attempt to reduce and eliminate the alleged discrimination and settle disputes through the process of conferences and dialogue;~~
- (d) To **offer leadership that promotes positive change as it relates to civil and human rights;** ~~receive and refer to the Human Rights Office complaints of alleged discrimination covered under the protected classes as defined in the local, state, and federal civil rights laws;~~
- (e) To encourage and stimulate agencies **and advisory boards** under the jurisdiction of the Tompkins County Legislature to take **such** action **that as** will fulfill the purposes of **Article 12-D of the New York State** General Municipal Law;
- (f) **To submit an annual report to the Tompkins County Legislature and the Office and to report as appropriate to the relevant standing committee of the Tompkins County Legislature;**
- (g) To raise and/or disburse funds **that are** not included in the **Office's Human Rights** departmental budget **and are** necessary to support the work of the Commissioners.

## Article 27. Office of Workforce Development

### § C-27.00. Workforce Development; Workforce Development Director; appointment; qualifications.

There shall be a Workforce Development Program headed by a Director, who shall be appointed by the County Administrator, after consultation with the Workforce Development Board, subject to confirmation by the Tompkins County Legislature. The Director shall be appointed on the basis of professional experience. The Director shall be directly responsible to the County Administrator for the implementation of policies established by the Workforce Development Board with the concurrence of the Chair of the Tompkins County Legislature.

### § C-27.01. Workforce Development Director; powers and duties.

The Workforce Development Director shall have the power to appoint such deputies, assistants, and employees of the office as may be necessary to perform the duties of the Workforce Development Director and as shall be authorized by the Tompkins County Legislature. All deputies, assistants, and employees shall be directly responsible to the Director.

Except as otherwise provided in this Charter, the Director shall have the powers and perform all the duties now or hereafter conferred or imposed by law on the Workforce Development Director, together with such other and related duties as may be required by the Workforce Development Board with the concurrence of the Chair of the Tompkins County Legislature.

**§ C-27.02. Workforce Development Board; composition; powers and duties.**

There shall be a Tompkins County Workforce Development Board appointed by the Chair of the Tompkins County Legislature pursuant to the requirements of federal law, with a majority of the members representing the private sector. Members shall be appointed for staggered three-year terms.

The Workforce Development Board shall have the authority to draft bylaws for approval by the Tompkins County Legislature, elect officers from its membership and establish committees. Updated copies of bylaws must be kept on file in the office of the Clerk of the Tompkins County Legislature.

The Workforce Development Board shall exercise its authority, with the concurrence of the Chair of the Tompkins County Legislature, as required by the **2014 Workforce Innovation and Opportunity Act** ~~1998 Workforce Investment Act~~ or successor legislation, and shall have the following powers, duties, and responsibilities, to:

- (a) Develop and submit a local plan to the Governor through the New York State Department of Labor in partnership with the **Chair of the** Tompkins County Legislature.
- (b) Designate or certify one-stop operators and terminate the eligibility of such operators for cause.
- (c) Identify eligible providers of youth services by awarding grants or contracts on a competitive basis, based on recommendations of Youth Council, a **standing committee subgroup** of the Workforce Development Board ~~and Youth Board~~.
- (d) Identify eligible providers of training services ~~for adults and dislocated workers~~.
- (e) Identify eligible providers of **career services intensive services** by awarding contracts if the one-stop operator does not provide such **intensive** services.
- (f) Develop a budget for **the** purpose of carrying out the duties of the Board, subject to the approval of the **Chair of the Tompkins** County Legislature.
- (g) The Board may employ staff and may solicit and accept grants and donations from sources other than federal funds **made available under the Workforce Innovation and Opportunity Act**.
- (h) Oversee local programs of youth activities, **and** local employment and training activities for adults and dislocated workers **and the one-stop delivery system**.
- (i) Negotiate and reach agreement, **in partnership with the Chair of the Tompkins County Legislature**, on performance measures with the New York State Department of Labor.
- (j) Carry out analyses of the economic conditions in the region, the needed knowledge and skills for the region, the workforce in the region, and workforce development activities (including education and training) in the region, and regularly update all of the above.**
- ~~(k)~~ Assist the New York State Department of Labor in the development of a statewide employment

statistics system. (e.g., local labor market information).

**(l) Conduct such other research, data collection, and analysis related to the workforce needs of the regional economy as the board determines to be necessary to carry out its functions.**

**(m) ~~(k)~~ Coordinate the workforce investment activities with Tompkins County's economic development activities.**

**(n) ~~(j)~~ Promote the participation of private sector employers in the statewide workforce investment system.**

**(o) Convene local workforce development system stakeholders to assist in the development of the local plan and in identifying non-Federal expertise and resources to leverage support for workforce development activities.**

**(p) Develop and implement promising practices for meeting the employment and skill needs of workers and employers that provide the skilled workforce needed by employers in the area, and that expand employment and career advancement opportunities for workforce development system participants in in-demand industry sectors and occupations.**

**(q) With representatives of secondary and postsecondary education, lead efforts in the area to develop and implement career pathways by aligning the employment, training, education, and supportive services that are needed by adults and youth, particularly individuals with barriers to employment.**

**(r) Ensure that workforce investment activities meet the needs of employers and support economic growth in the area by enhancing communication, coordination, and collaboration among employers, economic development entities, and service providers.**

**(s) Assess the physical and programmatic accessibility for individuals with disabilities of all one-stop centers in the local area.**

**§ C-27.03. Employment and Training Division; Employment and Training Director; appointment; qualifications.**

There shall be an Employment and Training Division headed by a Director, who shall be appointed by the Commissioner of **Human Resources Personnel**, subject to confirmation by the Tompkins County Legislature. The Director shall be appointed on the basis of professional experience. The Director shall be directly responsible to the Commissioner of **Human Resources Personnel** for the implementation of policies, as they relate to the **2014 Workforce Innovation and Opportunity Act** ~~1998 Workforce Investment Act~~ or successor legislation, established by the Workforce Development Board with the concurrence of the Chair of the Tompkins County Legislature. The Employment and Training Director shall also be directly responsible to the Commissioner of **Human Resources Personnel** for the implementation of policies, not related to the Workforce **Innovation and Opportunity Investment** Act, **but** established by the Tompkins County Legislature.

**§ C-27.04. Employment and Training Director; powers and duties.**

The Employment and Training Director shall have the power to appoint such deputies, assistants, and employees of the division as may be necessary to perform the duties of the Employment and Training Director and as shall be authorized by the Commissioner of **Human Resources Personnel** and the

Tompkins County Legislature. All deputies, assistants, and employees shall be directly responsible to the Employment and Training Director.

Except as otherwise provided in this Charter, the Employment and Training Director shall have the powers and perform all the duties now or hereafter conferred or imposed by law on the Employment and Training Director, together with such other and related duties as may be required by the Tompkins County Legislature.

## **Article 28. Department of Assigned Counsel**

### **§ C-28.00. Assigned Counsel; Supervising Attorney; appointment; qualifications; term.**

There shall be a Department of Assigned Counsel under the direction of a Supervising Attorney who shall be appointed by the County Administrator **with a upon** recommendation of the Advisory Board on Indigent Representation and confirmation of the Tompkins County Legislature **and the Advisory Board on Indigent Representation**. At the time of appointment and throughout the term of office, the Supervising Attorney shall be and remain duly licensed and entitled to practice law in the State of New York. The Supervising Attorney shall be appointed on the basis of required legal experience and other qualifications appropriate to the responsibilities of the office.

### **§ C-28.01. Supervising Attorney; powers and duties.**

The Supervising Attorney shall have the power to appoint such deputies, assistants, and employees of the Department of Assigned Counsel as may be necessary to perform the duties of the Office of Supervising Attorney and as shall be authorized by the Tompkins County Legislature. All deputies, assistants, and employees of the Department shall be directly responsible to the Supervising Attorney.

Except as otherwise provided in this Charter, the Supervising Attorney shall ensure that all indigent persons are provided with quality legal representation in a timely manner through the Office of Assigned Counsel. To this end the Supervising Attorney shall, **with advise from** ~~under the general direction of~~ the Advisory Board on Indigent Representation:

- (a) Develop and monitor program policies, standards, and operational procedures;
- (b) Ensure that standards of eligibility are developed;
- (c) Ensure that applicants for counsel meet these standards, through investigation where necessary;
- (d) Work with the Bar Association to assure adequate attorney participation and training;
- (e) Supervise and/or locate attorneys to handle assignments;
- (f) Review and act upon attorney vouchers for work performed;
- (g) Serve as an information resource;
- (h) Evaluate client complaints and **inform** ~~refer same to~~ the Advisory Board on Indigent Representation **of same**.

The Supervising Attorney shall, under the general supervision of the County Administrator, ensure that all operations of the office conform to the policies and procedures adopted by the Tompkins County Legislature.

**§ C-28.02. Insulation from partisan or other political pressure.**

The Supervising Attorney and the staff of the Tompkins County Assigned Counsel Program and all attorneys participating in the Program shall at all times be free from direct and indirect partisan or other political pressure and influence in exercising their best professional judgment and responsibilities in providing services to qualified indigent persons. It shall at all times be the responsibility of the attorneys participating in the Program to act in the best interests of the persons for whom they are rendering services.

**§ C-28.03. Advisory Board on Indigent Representation; composition; appointment; term.**

There shall be an Advisory Board on Indigent Representation consisting of 13 members appointed by majority vote of the Tompkins County Legislature for staggered three-year terms. The members of the Board should represent a diversity of membership in order to ensure insulation from partisan politics; to represent the attorneys participating in the programs; to represent the client community; and shall, to the extent possible, contain representatives of the client community and organizations concerned with the problems of the client community. Two voting members of the Board shall be members of the Tompkins County Legislature.

**§ C-28.04. Advisory Board on Indigent Representation; organization; powers and duties.**

The Advisory Board on Indigent Representation shall have the authority to draft bylaws for approval by the Tompkins County Legislature, elect officers from its membership, and establish committees. Updated copies of bylaws must be kept on file in the office of the Clerk of the Tompkins County Legislature.

Except as otherwise provided in this Charter, the Advisory Board on Indigent Representation shall have all the powers and perform all the duties now or hereafter conferred or imposed by the Tompkins County Legislature. The powers and duties of the Advisory Board on Indigent Representation shall include:

- (a) Recommending on appointment of a Supervising Attorney; **and**
- (b) Giving **advise general direction** to the Supervising Attorney;
- ~~(c) (b)~~—Making recommendations from time to time as appropriate to the Tompkins County Legislature and the Tompkins County Bar Association;
- ~~(d) (e)~~ Establishing and maintaining procedures appropriate for the purposes of the Board; and
- ~~(e) (d)~~ **Overseeing Recommending and reviewing** the creation and implementation of such procedures as are appropriate to assure the highest quality of legal representation for indigents who are eligible for legal representation in the most cost-effective manner.

**Article 29. Department of Information Technology Services**

**§ C-29.00. Department of Information Technology Services; Director; appointment; qualifications; term.**

There shall be a Department of Information Technology Services headed by a Director of Information Technology Services, who shall be appointed by the County Administrator, subject to confirmation by the Tompkins County Legislature and who shall be responsible for providing appropriate information technology services within the County. The Director shall be appointed on the basis of professional training, **and** experience, and education and other qualifications appropriate to the responsibilities of the office.

**§ C-29.01. Director of Information Technology Services; powers and duties and responsibilities.**

The Director of Information Technology Services shall have the power to appoint such deputies, assistants, and employees of the Department of Information Technology Services as may be necessary to perform the duties of the office of Director of Information Technology Services, and as shall be authorized by the Tompkins County Legislature. All deputies, assistants, and employees of the Department of Information Technology Services shall be directly responsible to the Director of Information Technology Services.

**~~§ C-26.02. Director of Information Technology Services; powers and duties.~~**

The **powers and duties of the** Director of Information Technology Services shall **be to:**

- (a) Coordinate, plan, and develop technology services composed of computers, computer applications, voice, data, and video networks that **support the conduct of County business and** provide access to government information and government services;
- (b) Administer the storage and security of electronic data as may be required by departments and agencies, **and in compliance with Federal and/or State governmental requirements. In furtherance of this, the Director of Information Technology Services shall consult with the County Clerk to meet records retention requirements;**
- (c) Provide and support the communications **and technology** infrastructure, **which will allow access to electronic information** as may be required by departments and agencies, and facilitate the availability of public information;
- (d) ~~Coordinate all electronic information handling procedures~~ **Develop and administer policies and protocols governing information technology systems** employed by the County **and** to ensure maximum **intra and** interdepartmental compatibility;
- (e) Advise and assist the Tompkins County Legislature in matters and decisions related to the selection and implementation of information technology services;
- (f) Plan and coordinate the selection of, supervise the implementation of any contract with, and monitor the interface with, any outside information technology, telecommunications, or software agency, consultant, or company should the County or any County department or division decide to utilize the services of any such entity;
- (g) At the request of the Tompkins County Legislature, coordinate shared information technology services with other governments, municipalities, and agencies;**
- (h) Perform such other related duties as may be required by the Tompkins County Legislature.

**Article 30. Other County Administrative Units**

**§ C-30.00. ~~County Veterinarian;~~ County Energy Coordinator; appointment; powers and duties.**

At the discretion of the Tompkins County Legislature, there may be ~~a County Veterinarian, and a~~ County Energy Coordinator, who shall be appointed by the County Administrator, subject to confirmation by the Tompkins County Legislature, and who shall be directly responsible to the County Administrator for the implementation of policies established by the Tompkins County Legislature. ~~The County Energy Coordinator~~ **They** shall have all the powers and perform all the duties now or hereafter conferred or imposed by law ~~upon their respective offices~~ and perform such other and related duties as may be required by the Tompkins County Legislature.

**§ C-30.01. County Historian; powers and duties.**

At the discretion of the Tompkins County Legislature, there ~~shall~~ **may** be a County Historian, who shall be appointed by the County Administrator, subject to confirmation by the Tompkins County Legislature.

~~The Tompkins County Historian shall have custody and control of the Tompkins County Historical Collection and shall ensure that all materials in that Collection are professionally selected and maintained, and that a professional process of de-acquisition is in place.~~

The Tompkins County Historian shall ensure that information is available to the public regarding the Tompkins County Historical Collection and regarding the history of Tompkins County.

The Tompkins County Historian shall convene periodically meetings of the municipal historians and ~~The History Center Historical Society of Tompkins County~~ and shall provide **consultation and** leadership ~~to that group~~ in the assembling **documents and** of information, presentation of programs, research projects, identification of sites of historical significance to Tompkins County, use of maps, research of cemetery locations and condition, **deaccession of historic materials,** and other topics deemed by the group to be appropriate.

**§ C-30.02. County Veterans Service Agency; Director; appointment; powers and duties.**

There shall be a County Veterans Service Agency headed by a Director, who shall be appointed by the Tompkins County Legislature. The Director shall have all the powers and perform all the duties now or hereafter conferred or imposed by law upon the office.

**§ C-30.03. Special Traffic Options Program -- Driving While Intoxicated (STOP-DWI) Coordinator; appointment; qualifications; powers and duties.**

There shall be a Coordinator of the Special Traffic Options Program — Driving While Intoxicated (STOP-DWI) Program who shall be appointed by the County Administrator, subject to confirmation by the Tompkins County Legislature. The Coordinator shall be directly responsible to the County Administrator for the implementation of policies established by the Tompkins County Legislature **or mandated by the State of New York.**

The Coordinator shall be responsible for the development and coordination of local programs that discourage **driving while ability impaired by alcohol or drugs.** ~~drinking and driving.~~ The Coordinator shall have all the powers and perform all the duties now or hereafter conferred or imposed by law upon the office.

**§ C-30.04. STOP-DWI Advisory Board; composition; term; powers and duties.**

There shall be a STOP-DWI Advisory Board consisting of 15 members appointed by the Tompkins County Legislature for staggered terms of three years. In making appointments to the Advisory Board, the Tompkins County Legislature shall make appointments from various County agencies and organizations involved in STOP-DWI activities and educational efforts. Terms shall be as provided in the bylaws of the STOP-DWI Advisory Board. The Board shall have the following powers, duties, and responsibilities:

- (a) The Board shall advise the Coordinator on:
  - (1) Programs to reduce alcohol-related traffic offenses;
  - (2) Avoiding duplication of existing programs funded or operated by the state or any municipality or other organizations, including alcohol and drug rehabilitation programs;
  - (3) Informing the public and private sectors of the gravity of the driving while intoxicated problem in Tompkins County and the means of maintaining related highway safety in the County;
  - (4) Identifying strategies for achieving County-wide STOP-DWI goals and objectives;
  - (5) Establishing priorities on program proposals;
  - (6) Relating the County-wide STOP-DWI program to regional and state STOP-DWI programs.
- (b) The Board will serve as a forum for citizen participation.
- (c) The Board shall have the authority to draft bylaws for approval by the Tompkins County Legislature. Updated copies of the bylaws must be kept on file in the Office of the Clerk of the Tompkins County Legislature.

### **Article 31. County Library**

#### **§ C-31.00. County Library; Board of Trustees; appointments; term.**

The Tompkins County Public Library is a distinct and separate corporation chartered by the Board of Regents pursuant to the Education Law of the State of New York. The management and operation of the Library is vested in a Board of Trustees, consisting of not less than five and not more than 15 members appointed by the Tompkins County Legislature for staggered three-year terms. The Board shall hold regular meetings, at least quarterly.

The Board of Trustees shall have the authority to draft bylaws for approval by the Tompkins County Legislature, elect officers from its membership, and establish committees. Updated copies of bylaws shall be kept on file in the office of the Clerk of the Tompkins County Legislature.

#### **§ C-31.01. Board of Trustees; powers and duties.**

Except as otherwise provided in this Charter, the Board of Trustees shall have all the powers and perform all the duties now or hereafter conferred or imposed by the Education Law upon a Library Board of Trustees. The County, by budgetary appropriations, furnishes funds for the equipment, maintenance, and operation of the Library. To promote sound fiscal management and review of Library operations and to establish proper accountability by the Library of funds received from the County, the following provisions shall serve as guidelines:

- (a) The Library shall request a budget appropriation in such manner and at such times as required by the County;

- (b) The Library may purchase directly from suppliers equipment, supplies, and furniture within the amounts appropriated therefor, shall establish and maintain accounting procedures in the manner prescribed by the New York State Department of Audit and Control, and shall disburse all funds;
- (c) The Library Director shall be appointed by and shall be accountable to the Trustees;
- (d) The Trustees shall keep the County fully informed concerning Library matters, including monthly financial reports, minutes of Trustees meetings, Director's reports, and such other information as the County may request;
- (e) The County owns the land and the building thereon housing the Library. The County is responsible for the preservation and maintenance of the building and the grounds;
- (f) All Library personnel are employees of the Library. The hiring of such employees, their supervision, and the terms and conditions, including the duration of their employment and the establishment of positions and grade scales, is within the control of the Trustees, subject to the applicable provisions of the Civil Service Law and other applicable law.

#### **§ C-31.02. Financial administration.**

The Board of Trustees may establish a bank account or accounts in the name of the County Library, and deposit therein moneys received or collected by the County Library, including moneys appropriated by the Tompkins County Legislature, and moneys received from fees, fines, rentals, and all other sources. The Board of Trustees of the County Library may, subject to the requirements of Education Law of New York State, authorize the Treasurer to pay all proper bills and accounts of the County Library, including salaries and wages from funds in its custody.

The Treasurer shall execute a bond or official undertaking to the Board of Trustees of the County Library in such sum and with such sureties as the Board of Trustees shall require. Insurance for the Library, including officers and directors coverage, shall be covered under the County's blanket insurance program. Library finances shall be subject to audit by the County Department of Finance.

### **Article 32. Tompkins Cortland Community College**

#### **§ C-32.00. Tompkins Cortland Community College; Board of Trustees; appointment; term.**

Tompkins Cortland Community College is a joint enterprise with Cortland County. Tompkins County is the host County. Material actions of the Tompkins County Legislature regarding the College should be in consultation with the Cortland County Legislature and with its concurrence where appropriate.

The Tompkins Cortland Community College shall be administered by a Board of Trustees, consisting of 10 members, nine of whom shall be appointed for terms of **seven nine** years in annual rotation. Three of the members shall be appointed by the Tompkins County Legislature; two of the members shall be appointed by the Cortland County Legislature; four members shall be appointed by the Governor of the State of New York from among persons residing in the sponsoring communities; one member shall be elected by and from among the students of the College and shall serve as a member of the Board of Trustees with all parliamentary privileges for a one-year term.

The Board of Trustees shall have the authority to enact bylaws for approval by the Tompkins County Legislature and to elect officers from its membership. Updated copies of bylaws must be kept on file in the office of the Clerk of the Tompkins County Legislature.

**§ C-32.01. Board of Trustees; powers and duties.**

The Board of Trustees shall have all the powers and perform all the duties provided for such a Board in the Education Law. The powers and duties of the Board of Trustees **subject to the approval of the State University Trustees**, shall be to:

- (a) Appoint a president for the College;
- (b) Appoint or delegate to the president the appointment of other members of the staff;
- (c) **Approve** ~~Adopt~~ curricula, ~~subject to the approval of the State University Trustees~~, prepare a budget for submission to and approval by the Tompkins County Legislature and, subject to the general supervision of the State University Trustees, discharge such other duties as may be appropriate or necessary for the effective operation of the College;
- (d) Have such other powers and perform such other duties as may be provided by law or prescribed by the State University Trustees ~~or the Tompkins County Legislature~~.

**§ C-32.02. Community College; financial administration.**

The appropriations by the Tompkins County Legislature for operation and maintenance of the Community College shall be made in whole to the Board of Trustees of the College for expenditure by the Board of Trustees subject to the terms and conditions of such appropriations and also subject to certain regulations concerning the custody, deposit, payment, and audit thereof as the Tompkins County Legislature may deem proper.

**§ C-32.03. Treasurer; election; powers and duties.**

The Board of Trustees may elect a Treasurer, establish a bank account or accounts in the name of the College, and deposit therein moneys received or collected by the College, including moneys appropriated by the Tompkins County **and Cortland County** Legislatures, moneys received from tuition, fees, charges, sales of products and services, and from all other sources. The Board of Trustees of the College may, subject to the requirements specified by the Tompkins County Legislature pursuant to § C-32.02 of this Charter, authorize the Treasurer to pay all proper bills and accounts of the College, including salaries and wages from funds in its custody. The Treasurer shall execute a bond or official undertaking to the Board of Trustees of the College in such sum and with such sureties as the Board of Trustees shall require, the expense of which shall be a College charge.

**§ C-32.04. Periodic audits of accounts.**

The Board of Trustees of the College shall provide for periodic audits of all accounts maintained at its direction and render such reports respecting any and all receipts and expenditures of the College as the Tompkins County Legislature may direct.

**§ C-32.05. Employee relationship.**

Unless otherwise provided by state law, the Board of Trustees of Tompkins Cortland Community College shall be deemed the employer of all members of its faculty and staff and of all other persons whose salaries or wages shall be paid from funds appropriated for the operation of the College.

## **Article 33. Intergovernmental Relationships**

### **§ C-33.00. Contracts with public corporations and authorities.**

The County shall have the power to contract with any public corporation, including but not limited to a municipal, district, or public-benefit corporation, or with any public authority or combination thereof, for the cooperative or joint establishment, maintenance, and operation of any facility and the rendering of any service that each of the contracting parties would have legal authority to establish, maintain, operate, or render for itself. The costs and expenses incurred, as well as charges for central facilities and administrative services relating thereto, shall be borne proportionately by each such contracting party as may be agreed to.

### **§ C-33.01. Historical leases.**

Notwithstanding the provisions of County Law § 215, if the Tompkins County Legislature deems it expedient or necessary in order to provide properly for the preservation and/or restoration of historic buildings owned by the County of Tompkins, the County may lease same for a term not to exceed **99 30** years **to with** individuals or corporations with or without bid.

### **§ C-33.02. Implementation.**

The provisions of this article shall be implemented pursuant to Article 5-G of the General Municipal Law of the State of New York, unless and until the Tompkins County Legislature shall, by local law, provide for an alternative method.

## **Article 34. General Provisions**

### **§ C-34.00. Charter; effective date.**

This Charter shall become effective immediately upon adoption by the Tompkins County Legislature.

### **§ C-34.01. Existing laws and enactments.**

Except as may otherwise be provided in this Charter, all existing state, County, local, and other laws or enactments having the force of law shall continue in force until lawfully amended, modified, superseded, or repealed.

### **§ C-34.02. Continuity of authority.**

Any proceedings or other business undertaken or commenced prior to the effective date of this Charter may be conducted and completed by the County unit responsible therefor under this Charter.

### **§ C-34.03. Filling vacancies in County-wide elective offices.**

A vacancy, otherwise than by expiration of term, in the offices of **County Judge**, District Attorney, Sheriff, and County Clerk, shall be filled by an elector of the County who is qualified for the responsibilities of the office and who shall be appointed ~~by the Tompkins County Legislature when~~ **if** permitted by state law. The term of such persons so appointed shall extend until January 1 of the calendar year next succeeding the first general election after the vacancy occurs if the vacancy occurs before September 20th of any year. If the vacancy occurs **on or** after September 20th of any year, then the term of such person so appointed shall extend until January 1 of the second calendar year next succeeding the

first general election after the vacancy occurs, at which election a **County Judge**, District Attorney, Sheriff, or County Clerk, as the case may be, shall be elected for the remainder of the unexpired term, if any.

#### **§ C-34.04. Filling other vacancies.**

Except as otherwise provided in this Charter or the Code, a vacancy in the office of the head of any administrative unit, the head of which by provisions of this Charter the County Administrator shall have the power to appoint or remove, shall be filled by a person who shall be appointed on the basis of administrative experience and qualifications appropriate to the duties of such office by the County Administrator, subject to confirmation by the Tompkins County Legislature. Except as otherwise provided in this Charter, the head of any administrative unit shall have the power to fill vacancies occurring within such administrative unit pursuant to the Civil Service Law.

#### **§ C-34.05. Advisory boards.**

Except as otherwise provided by this Charter or the Code, every board, the members of which are appointed, shall be an advisory board. The members of such boards shall be appointed for such terms as are or may be provided in this Charter or applicable law.

#### **§ C-34.06. Execution of contracts.**

All contracts entered into by the County shall be executed in the manner provided in this Charter or as directed by the Tompkins County Legislature.

#### **§ C-34.07. ~~Designation of succession~~ Temporary Transfers of Authority During the Absence of a Department Head.**

**All County department heads** ~~The County Administrator, County Director of Finance, the Director of Health, the District Attorney, the County Attorney, the Commissioner of Personnel, the Commissioner of Social Services, the Commissioner of Mental Health Services, the Medical Examiner, the Sheriff, the County Clerk, the Airport Manager, the Director of Emergency Response (all hereinafter designated "the principal"), and any other County officers as shall be required by state or local law or resolution of the Tompkins County Legislature,~~ shall **annually** designate in writing, and in order of succession, the deputies (or in the absence of officially designated deputies, the employees of the department) who shall possess the powers and perform the duties of the principal in the event of the latter's absence from the County or inability to perform or exercise the powers and duties of the office. Such designation, except those department heads elected on a County-wide basis, shall be approved by the Tompkins County Legislature **following review by** ~~on recommendation of~~ the appropriate committee **of the Legislature** and **shall be** filed with the ~~County Clerk and the~~ Clerk of the Tompkins County Legislature. Such designation may be changed at any time by the principal's presenting a new written designation and order of succession to the appropriate committee and the County Legislature for approval and filing. The acting principal ~~officer~~ shall **continue to** have all the powers and perform all the duties of the office until the principal resumes the duties of the office, or until a successor is elected or appointed, or until further action is taken by the Tompkins County Legislature. The County Administrator shall forward to the Tompkins County Legislature for review, **approval, and annual designation by resolution** ~~and approval and designate by resolution~~ the order of succession, for performance of duties when an officer is absent from work.

#### **§ C-34.08. Civil service rights continued; removal of County officers.**

The civil service status and rights of all County employees and their beneficiaries, including but not limited to those with respect to retirement and social security, shall not be affected by the adoption of this Charter. Appointment of all County employees must be in accordance with Civil Service Law. Any County officer appointed by the County Administrator or Tompkins County Legislature, except as otherwise provided by state law, may be removed after receipt of written notice from the appointing authority and in accordance with Civil Service Law provisions. A copy of such written notice shall be filed in the offices of the Commissioner of **Human Resources Personnel** and the Clerk of the Tompkins County Legislature.

**§ C-34.09. Classified service; exemptions.**

All positions in all departments, offices, institutions, and agencies of the County are in the classified service of the Civil Service except: (1) elected officers; (2) members of all boards, commissions, and committees; and (3) those positions specifically designated to be in the exempt class by the New York State Civil Service Commission.

**§ C-34.10. Local government functions, facilities, and powers not transferred, altered, or impaired.**

No function, facility, duty, or power of any city, town, village, school district, or other district, or of any officer thereof, is transferred, altered, or impaired by this Charter.

**§ C-34.11. Transition.**

The Tompkins County Legislature shall determine and provide for any necessary matters involved in the implementation of this Charter in Tompkins County.

**§ C-34.12. Judicial notice.**

The courts shall take judicial notice of this Charter and of all local laws, legalizing acts, resolutions, codes, and regulations adopted or promulgated pursuant to this Charter.

**§ C-34.13. Separability.**

If any provision of this Charter or the Code shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof but shall be confined in its operation to the particular provisions involved.

**§ C-34.14. Construction.**

This Charter and the Code shall be liberally construed to achieve its objectives and purposes.

**§ C-34.15. Amendment.**

This Charter may be amended by local law, subject to referendum when so provided by the Municipal Home Rule Law.

**§ C-34.16. Charter and the Code clarification.**

If any provision of this Charter or the Code is not clear or requires elaboration in its application to the County, the Tompkins County Legislature may interpret such provision in a local law not inconsistent with the provisions of the Municipal Home Rule Law. Where any question arises concerning the

implementation of this Charter or the Code that is not provided for herein, the Tompkins County Legislature may provide for such transition by a local law not inconsistent with the provisions of the Municipal Home Rule Law.

**§ C-34.17. Charter review.**

At least every 10 years after the adoption of this Charter, the Tompkins County Legislature shall consider the appointment of a Charter Review Commission or a special Charter Review Committee to review the Tompkins County Charter and make recommendations for revisions thereof.